

NORTH CAROLINA GENERAL ASSEMBLY
JOINT SELECT COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS
AUGUST 10, 2017 SESSION

In Raleigh, North Carolina
Thursday, August 10, 2017
Reported by Robbie W. Worley

Worley Reporting
P.O. Box 99169
Raleigh, NC 27624
919-870-8070

**Plaintiffs'
Exhibit
603**

1 SEN. HISE: Recognize Representative
2 Lewis for an announcement.

3 REP. LEWIS: Ladies and gentlemen, good
4 morning. It is my intent at this time to announce
5 that the Democrats have requested, and have been
6 granted, an opportunity to caucus in Room 423 of
7 this building. So any Democrats that are in the
8 room, the Democrats are going to caucus in Room
9 423. There will be a joint Republican caucus,
10 House and Senate, in Room 415 immediately upon the
11 recess. The recess will take place at the
12 conclusion of my announcement and will be in effect
13 until 10:35.

14 So with that, Mr. Chairman, may I be
15 recognized for a motion?

16 SEN. HISE: You are so recognized.

17 REP. LEWIS: Mr. Chairman, for the
18 purpose of caucusing, I move that this Committee
19 stand in recess until 10:35 a.m.

20 SEN. HISE: The motion is that the
21 Committee stand in recess until 10:35 a.m. Is
22 there any objection?

23 REP. LEWIS: Mr. Chairman, if I could
24 speak briefly?

25 SEN. HISE: Go ahead.

1 REP. LEWIS: I believe I did a poor job
2 of trying to announce that the Democrats are going
3 to caucus in Room 423, and the Republicans are
4 going to caucus in Room 415.

5 SEN. SMITH-INGRAM: Point of
6 clarification. During the recess, are we going to
7 have the information on the criteria?

8 REP. LEWIS: Thank you for that question,
9 Senator. A copy of the criterion the Chair is
10 intending to present was given to the Democratic
11 Leader of the House, and it's my belief he does
12 intend to share that at this caucus.

13 SEN. HISE: Any objection? Hearing none,
14 the Committee will stand in recess 'til 35.

15 (Proceedings went off the record.)

16 SEN. HISE: The committee will come to
17 order. Thank you, members of the committee,
18 members of the public. If you'd please come to
19 order again. I will begin by announcing our
20 Sergeant at Arms for today's meeting. If you could
21 please identify yourself?

22 In the House we have Reggie Sills,
23 Malachi McCullough, Jim Morgan and Young Bae. In
24 the Senate we have Terry Barnhardt, Jim Hamilton,
25 Frances Patterson, Hal Roach. And I will announce

1 for everyone, as well, our court reporter that is
2 with us today, Robbie Worley. Thank you for being
3 here today, and for your work on this Committee
4 meeting.

5 Having gone through the requested
6 caucuses this morning, and others, I will go ahead
7 and open up. I think he's going to need just a
8 second. Recognize Representative Lewis.

9 REP. LEWIS: Thank you, Mr. Chairman.
10 Good morning, ladies and gentlemen. I'm David
11 Lewis, the Senior Redistricting Chairman for the
12 House. At last week's meeting, I distributed to
13 the Committee and to the public what I believe were
14 the ideal county groupings. The maps were titled
15 "County Groupings for 2017 Senate Plan" and "County
16 Groupings for 2017 House Plans." As I mentioned
17 then, it is our intent to use these county
18 groupings. If there is anyone who knows of a
19 different county grouping formula that is more
20 optimal, I'm asking them to submit that map to the
21 Committee as soon as possible. As of now, no map
22 with more optimal groupings has been submitted.

23 The purpose of today's meeting is for the
24 Committee to adopt criteria by which the maps will
25 be drawn. After review of the public comment, the

1 online public input database, the committee meeting
2 last week, and the proposed criterion submitted in
3 writing by Senators Smith-Ingram, Blue and Clark,
4 Chairman Hise, Chairman Dollar and I submit the
5 following criteria for adoption.

6 Mr. Chairman, with your permission, I
7 would like for the criteria labeled "Equal
8 Population" to be distributed to the Committee and
9 displayed for the public on the overhead screens.

10 (Pause.)

11 Mr. Chairman, I believe members have
12 copies, and it's displayed on the screen. May I
13 proceed?

14 SEN. HISE: You may.

15 REP. LEWIS: Thank you, Mr. Chairman.
16 Mr. Chairman, the first criterion that I propose
17 that the Committee adopt is titled "Equal
18 Population." The Committee shall use the 2010
19 Federal Decennial Census Data as the sole basis of
20 population for drawing legislative districts in the
21 2017 House and Senate plans. The number of persons
22 in each legislative district shall comply with a
23 plus or minus five percent population deviation
24 standard established by Stephenson versus Bartlett.
25 That is the criterion. And to speak on it, this

1 criterion is very similar to what was submitted to
2 the Committees by Senator Smith-Ingram and Senator
3 Clark.

4 The Chair has proposed that we use the
5 census data from the 2010 Census in drawing the
6 legislative district this time because that is the
7 standard that is required by law. We will also
8 comply with a plus or minus five percent population
9 deviation standard established by Stephenson I.
10 Mr. Chairman, this is my proposal for this
11 criterion. I'd be happy to answer any questions at
12 your direction.

13 SEN. HISE: Representatives, just for
14 notation for members of the Committee, I thought it
15 was important to realize that even those these may
16 be numbered or referred to as the first criterion,
17 this is a nominal designation and does not
18 necessarily list ordinal or order of importance of
19 the criteria listing. Any questions or comments
20 regarding the first proposed criterion?

21 Representative Dollar, yes?

22 REP. DOLLAR: Mr. Chairman, for a motion
23 to adopt the criterion by the Committee.

24 UNIDENTIFIED MEMBER: Mr. Chair,
25 division?

1 SEN. HISE: It is the intent of the Chair
2 to call for a roll-call vote for all votes.

3 UNIDENTIFIED MEMBER: Thank you.

4 SEN. HISE: Thank you. So,
5 Representative Dollar, and to make that a joint, I
6 will say the Chairmen of the Committee have moved
7 for adoption of the first criterion. We will begin
8 with the House of Representatives, if there is no
9 objection at this point, and allow the Clerk to
10 call the roll. If you're in favor of the adoption,
11 please signify by saying aye. If you're opposed to
12 the adoption, please signify by saying no. Are we
13 not ready?

14 CLERK: Yeah. Representative Bell?
15 Representative Jackson?

16 REP. JACKSON: Nay. I'm sorry, aye.
17 Aye. Warming up.

18 CLERK: Okay. Jackson, aye.
19 Representative Stevens?

20 REP. STEVENS: Aye.

21 CLERK: Stevens, aye. Representative
22 Szoka?

23 REP. SZOKA: Aye.

24 CLERK: Representative Szoka, aye.
25 Representative Brawley?

1 REP. BRAWLEY: Brawley, aye.

2 CLERK: Representative Brawley, aye.

3 Representative Brockman?

4 REP. BROCKMAN: Aye.

5 CLERK: Representative Brockman, aye.

6 Representative Burr?

7 REP. BURR: Aye.

8 CLERK: Representative Burr, aye.

9 Representative Davis? Representative Davis?

10 Representative Dixon?

11 REP. DIXON: Aye.

12 CLERK: Representative Dixon, aye.

13 Representative Dobson?

14 REP. DOBSON: Aye.

15 CLERK: Representative Dobson, aye.

16 Representative Dulin?

17 REP. DULIN: Aye.

18 CLERK: Representative Dulin, aye.

19 Representative Farmer-Butterfield?

20 REP. FARMER-BUTTERFIELD: Aye.

21 CLERK: Representative

22 Farmer-Butterfield, aye. Representative Floyd?

23 Representative Floyd? Representative Garrison?

24 REP. GARRISON: Aye.

25 CLERK: Representative Garrison, aye.

1 Representative Gill?

2 REP. GILL: Aye.

3 CLERK: Representative Gill, aye.

4 Representative Grange?

5 REP. GRANGE: Aye.

6 CLERK: Representative Grange, aye.

7 Representative Hall? Representative Hall?

8 Representative Hanes?

9 REP. HANES: Aye.

10 CLERK: Representative Hanes, aye.

11 Representative Hardister?

12 REP. HARDISTER: Aye.

13 CLERK: Representative Hardister, aye.

14 Representative Harrison?

15 REP. HARRISON: Aye.

16 CLERK: Representative Harrison, aye.

17 Representative Hastings?

18 REP. HASTINGS: Aye.

19 CLERK: Representative Hastings, aye.

20 Representative Howard?

21 REP. HOWARD: Aye.

22 CLERK: Representative Howard, aye.

23 Representative Hunter?

24 REP. HUNTER: Aye.

25 CLERK: Representative Hunter, aye.

1 Representative Hurl ey?

2 REP. HURLEY: Aye.

3 CLERK: Representative Hurl ey, aye.

4 Representative Johnson?

5 REP. JOHNSON: Aye.

6 CLERK: Representative Johnson, aye.

7 Representative Jones? Representative Jones?

8 Representative Jordan?

9 REP. JORDAN: Aye.

10 CLERK: Representative Jordan, aye.

11 Representative Mal one?

12 REP. MALONE: Aye.

13 CLERK: Representative Mal one, aye.

14 Representative Mi chaux?

15 REP. MI CHAUX: Aye.

16 CLERK: Representative Mi chaux, aye.

17 Representative Moore?

18 REP. MOORE: Aye.

19 CLERK: Representative Moore, aye.

20 Representative Pi erce?

21 REP. PI ERCE: Aye.

22 CLERK: Representative Pi erce, aye.

23 Representative Rei ves?

24 REP. REI VES: Aye.

25 CLERK: Representative Rei ves, aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Representative Willingham?

REP. WILLINGHAM: Aye.

CLERK: Representative Willingham, aye.

Representative Speciale?

REP. SPECIALE: Aye.

CLERK: Representative Speciale, aye.

Representative Rogers?

REP. ROGERS: Aye.

CLERK: Representative Rogers, aye.

Representative Saine?

REP. SAINE: Aye.

CLERK: Representative Saine, aye.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, aye.

Representative Yarborough?

REP. YARBOROUGH: Aye.

CLERK: Representative Yarborough, aye.

Representative Torbett?

REP. TORBETT: Aye.

CLERK: Representative Torbett, aye.

Representative Hall?

REP. HALL: Aye.

CLERK: Representative Hall, aye.

Representative Bell?

1 REP. BELL: Aye.

2 CLERK: Representative Bell, aye. Oh,
3 Representative Lewis?

4 REP. LEWIS: Aye.

5 CLERK: Representative Lewis, aye.
6 Representative Dollar?

7 REP. DOLLAR: Aye.

8 CLERK: Representative Dollar, aye. I
9 think that's it.

10 SEN. HISE: Are there any members of the
11 Committee that are members of the House that were
12 not recorded in the process? Hearing none before
13 we get into roll call of the Senate.

14 CLERK: Senator Bishop?

15 SEN. BISHOP: Aye.

16 CLERK: Senator Bishop, aye. Senator
17 Blue? Senator Blue? Senator Clark?

18 SEN. CLARK: Aye.

19 CLERK: Senator Clark, aye. Senator
20 Daniel? Senator Harrington?

21 SEN. HARRINGTON: Aye.

22 CLERK: Senator Harrington, aye. Senator
23 Jackson?

24 SEN. JACKSON: Aye.

25 CLERK: Senator Jackson, aye. Senator

1 Lee? Senator Lee, aye. Senator Lowe?

2 SEN. LOWE: Aye.

3 CLERK: Senator Lowe, aye. Senator
4 Newton?

5 SEN. NEWTON: Aye.

6 CLERK: Senator Newton, aye. Senator
7 Rabon? Senator Smith-Ingram?

8 SEN. SMITH-INGRAM: Aye.

9 CLERK: Senator Smith-Ingram, aye.
10 Senator Van Duyn?

11 SEN. VAN DUYN: Aye.

12 CLERK: Senator Van Duyn, aye. Senator
13 Wade?

14 SEN. WADE: Aye.

15 CLERK: Senator Wade, aye. Senator Hise?

16 SEN. HISE: Aye.

17 CLERK: Senator Hise, aye. Senator

18 Brown?

19 SEN. BROWN: Aye.

20 CLERK: Senator Brown, aye.

21 SEN. HISE: Any members of the Senate who
22 were not recorded in the roll-call vote? Hearing
23 none. By a vote of 38 to 0 in the House, 12 to 0
24 in the Senate, the first criterion is adopted by
25 the Committee. Representative Lewis, you're

1 represented here -- recognized to present the
2 second criterion.

3 REP. LEWIS: Thank you, Mr. Chairman. If
4 the Sergeant at Arms would distribute to the
5 members of the Committee the criterion labeled
6 "Contiguity." And I will display for the public on
7 the screens this criterion. What I'll do is when
8 they're doing the vote count, I'll pass out the
9 next one. Okay?

10 Mr. Chairman, I believe members have
11 copies. If I may be recognized to proceed?

12 SEN. HISE: You're recognized.

13 REP. LEWIS: Thank you, Mr. Chairman.
14 Mr. Chairman, this criterion simply reads
15 "Contiguity." Legislative districts shall be
16 comprised of contiguous territory and contiguity by
17 water is sufficient. This is another criterion
18 that is similar to what was submitted to the
19 Committees by Senator Clark and Senator
20 Smith-Ingram. Legislative districts are required
21 to be composed of contiguous territory, and this
22 criterion would simply adhere to the legal
23 requirements. Be glad to answer any questions.

24 SEN. HISE: Senator Clark?

25 SEN. CLARK: Thank you, Mr. Chairman.

1 Senator Clark. It does somewhat look like the
2 criterion that Senator Smith-Ingram and I
3 recommended. However, I do not believe it is
4 complete enough. And it is my preference that the
5 Chair would accept an amendment to use the complete
6 contiguity definition as submitted to us -- as
7 submitted by us to the Committee previously.

8 REP. LEWIS: Senator, with your
9 indulgence and permission, we will ask staff to
10 prepare an amendment that would accomplish those
11 goals. I will ask the Chair to displace this until
12 that can be done, and we'll move on to the -- to
13 the next one. Would that be okay, sir?

14 SEN. CLARK: Thank you, sir.

15 SEN. HISE: Sergeant at Arms will begin
16 to pass out the third criterion, if that's okay?
17 Representative Lewis, you are recognized to present
18 the Criterion Number 3.

19 REP. LEWIS: Thank you, Mr. Chairman. I
20 believe members are getting copies. I'll be happy
21 to hold if I need to. This criterion is entitled
22 "County Groupings and Traversals." It reads, the
23 Committee shall draw legislative districts within
24 county groupings as required by Stephenson versus
25 Bartlett. Within county groupings, county lines

1 shall not be traversed except as authorized by
2 Stephenson I, Stephenson II, Dickson I and Dickson
3 II. And if I may speak on the criterion, Mr.
4 Chairman?

5 SEN. HISE: So recognized.

6 REP. LEWIS: Thank you, Mr. Chairman.
7 Mr. Chairman, this is another element of the
8 criterion that was contained in Senator
9 Smith-Ingram and Senator Clark's proposed
10 criterion. Though the words may be different, I
11 think the practical effect is the same. The rules
12 for the county groupings and traversals were first
13 established in -- were first established in
14 Stephenson I and have been affirmed in later cases.

15 Last week, we released the county
16 grouping plans that, I believe, are optimal for
17 complying with Stephenson. I explained how they
18 were constructed. We have not received any
19 alternative county grouping plans. As I spoke to
20 in my opening comments, it is our intent to use the
21 maps of county -- of optimal county groupings that
22 were passed out last week. And with that, Mr.
23 Chairman, I'll be happy to yield to any questions.

24 SEN. HISE: Any questions or comments
25 regarding the grouping, regarding this criterion?

1 SEN. SMITH-INGRAM: Mr. Chair?

2 SEN. HISE: Senator Smith-Ingram.

3 SEN. SMITH-INGRAM: Thank you, Mr. Chair.

4 I'd like clarification on what the requirements of
5 Stephenson and Dickson are when they authorize
6 traversing county lines, since that's not really
7 clear from the criterion on its face.

8 REP. LEWIS: Thank you for that question,
9 Senator. And, you know, it's probably evident to
10 you and everyone in this room that I'm not an
11 attorney, but I will do my best to explain it. It
12 is my understanding that the traversal rule means
13 that if you are drawing districts in a
14 multiple-group county and you essentially draw a
15 district into a county, that you can't draw back
16 out of the county and go back in. Sort of, weave
17 back and forth. That's not a legal term, but I'm
18 trying my best to answer your question.

19 SEN. HISE: Follow-up?

20 SEN. SMITH-INGRAM: Thank you,
21 Representative Lewis, because I'm not an attorney
22 either. So thank you.

23 SEN. HISE: Any other questions or
24 comments regarding this criterion? Okay. Hearing
25 none. Representative Dollar?

1 REP. DOLLAR: Motion for adoption.

2 SEN. HISE: Again, the Chairman moves for
3 the adoption of Criterion Number 3 for
4 consideration by the Committee. Seeing no other
5 questions or comments, I will begin with the Senate
6 this time and ask for the Clerk to call the roll.

7 CLERK: Senator Bishop?

8 SEN. BISHOP: Aye.

9 CLERK: Senator Bishop, aye. Senator
10 Blue? Senator Brown?

11 SEN. BROWN: Aye.

12 CLERK: Senator Brown, aye. Senator
13 Clark?

14 SEN. CLARK: Aye.

15 CLERK: Senator Clark, aye. Senator
16 Daniel? Senator Harrington?

17 SEN. HARRINGTON: Aye.

18 CLERK: Senator Harrington, aye. Senator
19 Jackson?

20 SEN. JACKSON: Aye.

21 CLERK: Senator Jackson, aye. Senator
22 Lee?

23 SEN. LEE: Aye.

24 CLERK: Senator Lee, aye. Senator Lowe?

25 SEN. LOWE: Aye.

1 CLERK: Senator Lowe, aye. Senator
2 Newton?

3 SEN. NEWTON: Senator Newton, aye.
4 Senator Rabon? Senator Smith-Ingram?

5 SEN. SMITH-INGRAM: Aye.

6 CLERK: Senator Smith-Ingram, aye.
7 Senator Van Duyn?

8 SEN. VAN DUYN: Aye.

9 CLERK: Senator Van Duyn, aye. Senator
10 Wade?

11 SEN. WADE: Aye.

12 CLERK: Senator Wade, aye. Senator Hise?

13 SEN. HISE: Aye.

14 CLERK: Senator Hise, aye.

15 SEN. HISE: Members, I do think it is
16 different to what we have. The Sergeant at Arms
17 are passing out the next criterion during this
18 process. If the House Clerk will call the roll.

19 CLERK: Representative Jackson?

20 REP. JACKSON Aye.

21 CLERK: Representative Jackson, aye.
22 Representative Szoka?

23 REP. SZOKA: Aye.

24 CLERK: Representative Szoka, aye.
25 Representative Bell?

1 REP. BELL: Aye.

2 CLERK: Representative Bell, aye.

3 Representative Stevens?

4 REP. STEVENS: Aye.

5 CLERK: Representative Stevens, aye.

6 Representative Brawley?

7 REP. BRAWLEY: Aye.

8 CLERK: Representative Brawley, aye.

9 Representative Brockman?

10 REP. BROCKMAN: Aye.

11 CLERK: Representative Brockman, aye.

12 Representative Burr?

13 REP. BURR: Aye.

14 CLERK: Representative Burr, aye.

15 Representative Davis? Representative Davis?

16 Representative Dixon?

17 REP. DIXON: Aye.

18 CLERK: Representative Dixon, aye.

19 Representative Dobson?

20 REP. DOBSON: Aye.

21 CLERK: Representative Dobson, aye.

22 Representative Dulin?

23 REP. DULIN: Aye.

24 CLERK: Representative Dulin, aye.

25 Representative Farmer-Butterfield?

1 REP. FARMER-BUTTERFIELD: Aye.

2 CLERK: Representative

3 Farmer-Butterfield, aye. Representative Floyd?

4 Representative Floyd? Representative Garrison?

5 REP. GARRISON: Aye.

6 CLERK: Representative Garrison, aye.

7 Representative Gill?

8 REP. GILL: Aye.

9 CLERK: Representative Gill, aye.

10 Representative Grange?

11 REP. GRANGE: Aye.

12 CLERK: Representative Grange, aye.

13 Representative Hall?

14 REP. HALL: Aye.

15 CLERK: Representative Hall, aye.

16 Representative Hanes?

17 REP. HANES: Aye.

18 CLERK: Representative Hanes, aye.

19 Representative Hardister?

20 REP. HARDISTER: Aye.

21 CLERK: Representative Hardister, aye.

22 Representative Harrison?

23 REP. HARRISON: Aye.

24 CLERK: I'm sorry. Could you repeat

25 that?

1 REP. HARRISON: Aye.

2 CLERK: Representative Harrison, aye.

3 Representative Hastings?

4 REP. HASTINGS: Aye.

5 CLERK: Representative Hastings, aye.

6 Representative Howard?

7 REP. HOWARD: Aye.

8 CLERK: Representative Howard, aye.

9 Representative Hunter?

10 REP. HUNTER: Aye.

11 CLERK: Representative Hunter, aye.

12 Representative Hurlley?

13 REP. HURLEY: Aye.

14 CLERK: Representative Hurlley, aye.

15 Representative Johnson?

16 REP. JOHNSON: Aye.

17 CLERK: Representative Johnson, aye.

18 Representative Jones? Representative Jones?

19 Representative Jordan?

20 REP. JORDAN: Aye.

21 CLERK: Representative Jordan, aye.

22 Representative Malone?

23 REP. MALONE: Aye.

24 CLERK: Representative Malone, aye.

25 Representative Michaux?

1 REP. MI CHAUX: Aye.

2 CLERK: Representati ve Mi chaux, aye.

3 Representati ve Moore?

4 REP. MOORE: Aye.

5 CLERK: Representati ve Moore, aye.

6 Representati ve Pi erce?

7 REP. PI ERCE: Aye.

8 CLERK: Representati ve Pi erce, aye.

9 Representati ve Rei ves?

10 REP. REI VES: Aye.

11 CLERK: Representati ve Rei ves, aye.

12 Representati ve Wi l l i n g h a m ?

13 REP. WI LL I N G H A M : Aye.

14 CLERK: Representati ve Wi l l i n g h a m , aye.

15 Representati ve Speci al e?

16 REP. SPECI ALE: Aye.

17 CLERK: Representati ve Speci al e, aye.

18 Representati ve Marsh -- Rogers?

19 REP. ROGERS: Aye.

20 CLERK: Representati ve Rogers, aye.

21 Representati ve Sai ne?

22 REP. SAI NE: Aye.

23 CLERK: Representati ve Sai ne, aye.

24 Representati ve Torbett?

25 REP. TORBETT: Aye.

1 CLERK: Representative Torbett, aye.

2 Representative Wray?

3 REP. WRAY: Aye.

4 CLERK: Representative Wray, aye.

5 Representative Yarborough?

6 REP. YARBOROUGH: Aye.

7 CLERK: Representative Yarborough, aye.

8 Representative Lewis?

9 REP. LEWIS: Aye.

10 CLERK: Representative Lewis, aye.

11 Representative Dollar?

12 REP. DOLLAR: Aye.

13 CLERK: Representative Dollar, aye.

14 SEN. HISE: How many? By a vote in the
15 Senate of 12 to 0 and the House of 38 to 0, the
16 third presented criterion is adopted by the
17 Committee.

18 Members, you should have in front of you
19 now the fourth presented criterion for the Senate,
20 entitled "Compactness." Representative Lewis,
21 you're recognized to explain.

22 REP. LEWIS: Thank you, Mr. Chairman.
23 Mr. Chairman, this criterion reads, "Compactness."
24 The Committee shall make reasonable efforts to draw
25 legislative districts in 2017 House and Senate

1 plans to improve the compactness of the current
2 districts. In doing so, the committees may use a
3 guide. The minimum Reock dispersion or
4 Polsby-Popper perimeter scores identified by
5 Richard H. Pildes and Richard G. Niemi in the
6 article entitled "Expressive Harms, 'Bizarre
7 Districts,' and Voting Rights: Evaluating
8 Election-District Appearances After Shaw v. Reno."
9 And to speak to that, Mr. Chairman --

10 SEN. HISE: You are so recognized.

11 REP. LEWIS: -- this criterion is also
12 very similar to that as submitted by Senator Clark
13 and Senator Smith-Ingram. The key difference is
14 that the Chairs are recommending to the Committees
15 that the Committees may use as a guide a minimum
16 Reock and Polsby-Popper score for drawing the
17 legislative district that appears in a law review
18 article referenced before in my remarks.

19 The reason we are recommending these
20 methods as scores as a guide is because they have
21 been cited as relevant to judging compactness of
22 districts. I would also point out that these were
23 some of the criteria that have been submitted via
24 the online portal. They were some of the criteria
25 that were referenced in the hearings last week.

1 And they also are part of the criteria that outside
2 groups have submitted to this Committee to be
3 considered. Be happy to answer any questions.

4 SEN. HISE: Representative Jackson?

5 REP. JACKSON: Thank you, Mr. Chairman.

6 Chairman Lewis, my understanding is that the
7 Maptitude software will calculate about eight
8 different types of compactness; is that correct?

9 REP. LEWIS: I don't know.

10 REP. JACKSON: Mr. Chairman, is there
11 anybody on staff that can answer that question for
12 me?

13 SEN. HISE: Do you know how many it can
14 calculate? It appears we're going to have to get
15 that response for you.

16 REP. LEWIS: Mr. Chairman, while we're
17 getting that, may I speak to why I think the
18 gentleman is --

19 SEN. HISE: Sure.

20 REP. LEWIS: -- asking me.

21 SEN. HISE: You may respond to the
22 question.

23 REP. LEWIS: Representative, the reason
24 that these two were picked is that these are the
25 two that the Courts have -- have referred to.

1 Obviously, members of the Committee would be able
2 to use any other criterion or any other compactness
3 gauge that they saw fit in doing their own personal
4 evaluations. But to the best of our knowledge,
5 these are the two that the Courts have referred to.

6 SEN. HISE: Representative Jackson, for a
7 follow-up?

8 REP. JACKSON: Thank you, Mr. Chairman.
9 So just to follow up on that, so we would not be
10 precluded from using the other scores available in
11 Maptitude?

12 REP. LEWIS: You would not; no, sir.

13 SEN. HISE: Any other questions,
14 comments? Senator Clark?

15 SEN. CLARK: Mr. Chair, is it possible
16 for you to give us the Reader's Digest version of
17 what these -- what these actually do?

18 REP. LEWIS: Thank you for the question,
19 Senator. I will certainly -- I will certainly try.
20 The perimeter compactness is commonly associated
21 with the Polsby-Popper score. This is the area of
22 the district compared to the area of a circle
23 within the same perimeter of the district. Again,
24 there's a scale established of 1.0 to 0.0. And
25 districts that are drawn with borders that wander

1 in irregular ways will produce a lower compactness
2 score when compared with a circle of the same
3 perimeter.

4 The other test, the Reock, is a measure
5 of the ratio of the district area to area. In
6 other words, the area inside of the district
7 itself. Also, using a circumscribing circle. I
8 realize that is perhaps not as clear as I would
9 like to be. I would just reiterate that these are
10 two compactness tests that the courts have used.
11 They are two of the ones that you have mentioned in
12 the past. They are two of the ones that several of
13 the independent groups that have contacted our
14 office have encouraged us to use. And, therefore,
15 we would recommend -- or I recommend to the
16 Committee that we attempt to use them in drawing
17 our districts.

18 SEN. HISE: Representative Michaux?

19 REP. MICHAUX: Yeah, Mr. Lewis, I have a
20 semantic problem with this. It says the Committee
21 shall make reasonable efforts to draw. And then
22 you say in doing so the Committee may use as a
23 guide. And my information is that there are at
24 least eight other guides out there that can be
25 used. And I guess my question borders on the same

1 thing Representative Jackson asked. Why would you
2 limit yourself if you're going to make it may, and
3 if you've got at least six other reasonable
4 guidelines that you can use? In spite of the fact
5 that it may have -- that others may have mentioned
6 it.

7 REP. LEWIS: Thank you for the question,
8 Representative. My response is simply these are
9 the two best-known, if you will, measures of
10 compactness. And to my understanding, these are
11 the two that the courts have referred to. I think
12 these are the two that are best understood. And
13 again, this would not preclude you as a member or
14 anyone else who chose to use other grades of
15 compactness. We're just trying to signal, to be
16 candid with you, that we want to try to draw more
17 compact seats. And there has to be some measure of
18 that. These may not be the ideal two, but these
19 are the two that, I think, are best known. And
20 again, these are the two that the courts have
21 referenced.

22 REP. MICHAUX: May I follow up, Mr.
23 Chair?

24 SEN. HISE: Follow-up.

25 REP. MICHAUX: Well, in the final

1 analysis, will your maps, or whatever you draw,
2 make reference to which one of these -- or which --
3 any of those criteria were used be -- be
4 specifically pointed out when you do it?

5 REP. LEWIS: Yes, sir.

6 SEN. HISE: Representative Dollar?

7 REP. DOLLAR: For a motion --

8 SEN. HISE: Hold on just a minute.

9 Representative Moore would like to speak.

10 REP. DOLLAR: Well, then let me ask a
11 question, because -- Chairman Lewis, isn't it the
12 case that this is the most precise guidelines that
13 the -- to your knowledge, that the General
14 Assembly's ever adopted with respect to
15 compactness?

16 REP. LEWIS: Thank you for the question,
17 and the answer is yes.

18 REP. DOLLAR: Thank you.

19 SEN. HISE: Representative Moore.

20 REP. MOORE: Thank you, Mr. Chair.

21 Representative Lewis, a quick -- something that
22 came to mind. Are these two methods that you're
23 talking about -- were they used in the map-drawing
24 process in 2011? Or was there another -- there was
25 a -- there was another methodology used other than

1 these two that you're referencing now?

2 REP. LEWIS: Thank you for the question,
3 Representative. To the -- to the best of my
4 knowledge, they were not used in 2011. To be
5 completely transparent and to express my total
6 understanding of this, I was not even aware that
7 these tests were there in 2011. But I am now.

8 SEN. HISE: Any other questions or
9 comments? None. Representative Dollar is
10 recognized for a motion.

11 REP. DOLLAR: Mr. Chairman, I move the
12 adoption of the criterion.

13 SEN. HISE: Okay. I have to hold that
14 again. Apparently, Representative
15 Farmer-Butterfield now has a question.

16 REP. FARMER-BUTTERFIELD: I had my hand
17 up. I don't think you saw that beforehand.

18 SEN. HISE: I can't see through people.

19 REP. FARMER-BUTTERFIELD: I know that. I
20 understand.

21 I just wanted to make sure I'm clear.
22 Staff were going to give us the other -- whether or
23 not there were eight other different ways? And I
24 had not heard that information from staff.

25 SEN. HISE: At the point the question was

1 asked, the staff was unaware. And I said we'd have
2 to get that question.

3 REP. FARMER-BUTTERFIELD: All right.

4 ERIKA CHURCHILL (STAFF): Representative
5 Farmer-Butterfield. Available in Maptitude is the
6 Reock test, the Schwartzberg test, the Perimeter
7 test, the Polsby-Popper test, the Length-Width
8 test, the Population Polygon test, the Minimum
9 Convex Polygon test, the Population Circle test and
10 the Ehrenburg test.

11 REP. FARMER-BUTTERFIELD: Thank you.

12 Follow-up?

13 SEN. HISE: Follow-up.

14 REP. FARMER-BUTTERFIELD: I think that I
15 heard earlier that if this passes with just these
16 two, it will not preclude using the other six, or
17 the others? Is that the case or not?

18 REP. LEWIS: Thank you for that question.
19 The answer is yes, the other ones could be used.
20 Again, we're trying to respond to requests from the
21 public, from members who've said try to make the
22 districts a little more compact. And so this is
23 saying that these two may be used. But yes, you
24 may use all of them if you want to.

25 SEN. HISE: Okay. Someone else?

1 Somebody was pointing to someone? Senator Lowe?

2 SEN. LOWE: Yes, I may have missed it.
3 But one of the things that I noticed or heard was,
4 I know we're using two approaches. There's eight
5 possible approaches. Why is it that we're just
6 looking at these two? I want real clarity on that.

7 SEN. HISE: Maybe I'm going to explain a
8 little bit of this. Each one of these methods will
9 yield a score. And a score of any particular
10 district will be between, generally, zero and one.
11 I don't think there's any, as I understand it,
12 concave in the designs. Zero to one will be the
13 ratio of some two numbers that are coming in. That
14 will give you a measure of compactness. There are
15 eight measures. There are infinite numbers of ways
16 anyone can come up to determine what they mean when
17 they say something is compact.

18 There are only two that have been used in
19 court rulings by the Supreme Court in regards to
20 redistricting. These are these two. We both set
21 those as the standard we will use to measure
22 compactness of districts. But that calculation can
23 be done for any number of the other standards that
24 might be in the pack or the infinite number of
25 standards that someone else could come up with and

1 make an argument. Senator Smith-Ingram?

2 SEN. SMITH-INGRAM: Thank you, Mr. Chair.
3 I believe, for clarification, I need to find out.
4 Staff, Erika Churchill, just listed out -- was it
5 about ten of those tools that are available on
6 Maptitude?

7 SEN. HISE: Nine? She says the number is
8 nine.

9 SEN. SMITH-INGRAM: Also included, is
10 there an explanation in Maptitude that will give us
11 the reliability of each of those tools and the
12 performance as well as the range?

13 SEN. HISE: Reliability is probably not a
14 factor that would apply to these in a manner. But
15 it will give you an explanation of the calculation.

16 SEN. SMITH-INGRAM: Just for clarity,
17 because there are nine different measurements. It
18 would be nice to have the data on the reliability
19 of each tool so you can look at each tool and their
20 performance to be able to determine which is the
21 better tool in terms of a higher percentage of
22 reliability.

23 SEN. HISE: I think I'll take the
24 comment. But again, I would say that reliability
25 is not necessarily a factor that is -- this is

1 talking about how compact is the district? And the
2 test will determine how compact the district is.
3 So, Representative Jackson?

4 REP. JACKSON: Thank you, Mr. Chairman.
5 It appears that we are looking at dispersion and
6 perimeter, but we are leaving out population
7 measures in these tests. And I was wondering, from
8 staff, if any of the seven other tests include
9 population measures in their scoring?

10 SEN. HISE: I'll let you answer the
11 question.

12 MS. CHURCHILL (STAFF): Representative
13 Jackson, we are reading from the Maptitude
14 documentation. And it does appear that there's at
15 least two tests, the Population Polygon test and
16 the Population Circle test, that take into
17 consideration district population to the
18 approximate population of the area that is being
19 used. We're happy to print this for the Committee
20 if you all would like.

21 REP. JACKSON Follow-up, Mr. Chairman?

22 SEN. HISE: Follow-up.

23 REP. JACKSON Then I guess the question
24 for Chairman Lewis would be, wouldn't we want to
25 consider population as well? And why that test

1 would not be one of the ones that we use a score
2 for?

3 REP. LEWIS: Well, thank you for that
4 question, Representative. To be candid, I'm not
5 familiar with the particular test that you have
6 asked about. I realize that you're asking about a
7 specific test that the computer program is capable
8 of running. I would just point out that, in my
9 mind, the population issue is the one-person-one-
10 vote plus or minus five percent that we adopted as
11 a criterion earlier today. And as I've said
12 before, you would certainly have every access to
13 run the reports or get whatever scores that you
14 want to -- want to review.

15 But again, I would just point out to the
16 members, the reason that these two are specified in
17 here is these are the ones the Courts have written
18 about in recent redistricting court rulings.

19 SEN. HISE: Follow-up?

20 REP. HARDISTER: Follow-up, Mr. Chairman.
21 So is it -- is it -- is it your understanding that
22 the Court has not written about some of these other
23 test scores that Maptitude can also provide?

24 REP. LEWIS: Well, thank you for the
25 question. And to be clear, Representative, I don't

1 know that they have or they have not. I'm simply
2 stating in the cases that I reviewed, these were
3 the two that were used.

4 SEN. HISE: Any other questions or
5 comments? Hearing none, upon Representative
6 Dollar's motion and the motion of the Chairs, we
7 move to add the fourth criterion, Compactness, to
8 those. Any other questions or comments? Hearing
9 none, we'll have the Clerk call the roll of the
10 House.

11 CLERK: Representative Jackson?

12 REP. JACKSON: No.

13 CLERK: Representative Szoka?

14 REP. SZOKA: Aye.

15 CLERK: Representative Stevens?

16 REP. STEVENS: Aye.

17 CLERK: Representative Bell?

18 REP. BELL: Aye.

19 CLERK: Representative Brawley?

20 REP. BRAWLEY: Aye.

21 CLERK: Representative Brockman?

22 REP. BROCKMAN: No.

23 CLERK: Representative Brockman, no.

24 Representative Burr?

25 REP. BURR: Aye.

1 CLERK: Representative Burr, aye.
2 Representative Davis? Representative Davis?
3 Representative Dixon?
4 REP. DIXON: Aye.
5 CLERK: Representative Dixon, aye.
6 Representative Dobson?
7 REP. DOBSON: Aye.
8 CLERK: Representative Dobson, aye.
9 Representative Dulin?
10 REP. DULIN: Aye.
11 CLERK: Representative Dulin, aye.
12 Representative Farmer-Butterfield?
13 REP. FARMER-BUTTERFIELD: No.
14 CLERK: Representative
15 Farmer-Butterfield, no. Representative Floyd?
16 Representative Floyd? Representative Garrison?
17 REP. GARRISON: No.
18 CLERK: Representative Garrison, no.
19 Representative Gill?
20 REP. GILL: No.
21 CLERK: Representative Gill, no.
22 Representative Grange?
23 REP. GRANGE: Aye.
24 CLERK: Representative Grange, aye.
25 Representative Hall?

1 REP. HALL: Aye.

2 CLERK: Representative Hall, aye.

3 Representative Hanes?

4 REP. HANES: No.

5 CLERK: Representative Hanes, no.

6 Representative Hardister?

7 REP. HARDISTER: Aye.

8 CLERK: Representative Hardister, aye.

9 Representative Harrison?

10 REP. HARRISON: No.

11 CLERK: Representative Harrison, no.

12 Representative Hastings?

13 REP. HASTINGS: Aye.

14 CLERK: Representative Hastings, aye.

15 Representative Howard?

16 REP. HOWARD: Aye.

17 CLERK: Representative Howard, aye.

18 Representative Hunter?

19 REP. HUNTER: No.

20 CLERK: Representative Hunter, no.

21 Representative Johnson?

22 REP. JOHNSON: Aye.

23 CLERK: Representative Johnson, aye.

24 Representative Hurlley?

25 REP. HURLEY: Aye.

1 CLERK: Representati ve Hurl ey, aye.
2 Representati ve Jones? Representati ve Jones?
3 Representati ve Jordan?
4 REP. JORDAN: Aye.
5 CLERK: Representati ve Jordan, aye.
6 Representati ve Mal one?
7 REP. MALONE: Aye.
8 CLERK: Representati ve Mal one, aye.
9 Representati ve Mi chaux?
10 REP. MI CHAUX: No.
11 CLERK: Representati ve Mi chaux, no.
12 Representati ve Moore?
13 REP. MOORE: No.
14 CLERK: Representati ve Moore, no.
15 Representati ve Pi erce?
16 REP. PI ERCE: No.
17 CLERK: Representati ve Pi erce, no.
18 Representati ve Rei ves?
19 REP. REIVES: No.
20 CLERK: Representati ve Rei ves, no.
21 Representati ve Wi lli ngham?
22 REP. WI LLI NGHAM: No.
23 CLERK: Representati ve Wi lli ngham, no.
24 Representati ve Speci al e?
25 REP. SPECIALE: Aye.

1 CLERK: Representative Speciale, aye.

2 Representative Rogers?

3 REP. ROGERS: Aye.

4 CLERK: Representative Rogers, aye.

5 Representative Saine?

6 REP. SAINÉ: Aye.

7 CLERK: Representative Saine, aye.

8 Representative Torbett?

9 REP. TORBETT: Aye.

10 CLERK: Representative Torbett, aye.

11 Representative Wray?

12 REP. WRAY: No.

13 CLERK: Representative Wray, no.

14 Representative Yarborough?

15 REP. YARBOROUGH: Aye.

16 CLERK: Representative Yarborough, aye.

17 Representative Lewis?

18 REP. LEWIS: Aye.

19 CLERK: Representative Lewis, aye.

20 Representative Dollar?

21 REP. DOLLAR: Aye.

22 CLERK: Representative Dollar, aye.

23 SEN. HISE: Senate Clerk will call the

24 roll.

25 CLERK: Senator Bishop?

1 SEN. BISHOP: Aye.
2 CLERK: Senator Bishop, aye. Senator
3 Brown?
4 SEN. BROWN: Aye.
5 CLERK: Senator Brown, aye. Senator
6 Clark?
7 SEN. CLARK: Aye.
8 CLERK: Senator Clark, aye. Senator
9 Daniel? Senator Harrington?
10 SEN. HARRINGTON: Aye.
11 CLERK: Senator Harrington, aye. Senator
12 Jackson?
13 SEN. JACKSON: Aye.
14 CLERK: Senator Jackson, aye. Senator
15 Lee?
16 SEN. LEE: Aye.
17 CLERK: Senator Lee, aye. Senator Lowe?
18 SEN. LOWE: No.
19 CLERK: Senator Lowe, no. Senator
20 Newton?
21 SEN. NEWTON: Aye.
22 CLERK: Senator Newton, aye. Senator
23 Rabon? Senator Smith-Ingram?
24 SEN. SMITH-INGRAM: No.
25 CLERK: Senator Smith-Ingram, no.

1 Senator Van Duyn?

2 SEN. VAN DUYN: No.

3 CLERK: Senator Van Duyn, no. Senator
4 Wade?

5 SEN. WADE: Aye.

6 CLERK: Senator Wade, aye. Senator Hi se?

7 SEN. HI SE: Aye.

8 CLERK: Senator Hi se, aye.

9 SEN. HI SE: Thank you, members of the
10 Commi ttee. By a vote of 24 to 14 in the House and
11 9 to 3 in the Senate, the criterion is adopted --
12 fourth criteri on presented, Compactness, is adopted
13 by the Commi ttee.

14 I believe, members, now it is the intent
15 to return to the second introduced criterion,
16 Contiguity. And the members should have -- Senator
17 Clark has passed out an amendment or, probably more
18 accurately, a rewrite of the criterion. Senator
19 Clark will be recognized to explain his amendments.

20 SEN. CLARK: Thank you, Mr. Chair. What
21 you have before you is essentially an expansion of
22 the initial criteri on disseminated by the Commi ttee
23 chairs. But the problem with the explanati on
24 submitted by the Commi ttee chairs is that it does
25 not -- it's not expansive enough. For instance,

1 Let me give you an example. You can be in a
2 particular district, and although it may be
3 connected by a land-mass, that land-mass is not
4 navigable by car, boat -- by car or any other form
5 transportation for the purpose of conducting
6 commerce. So instead of saying something is
7 contiguous, just because there's a little strip,
8 what this particular definition would say is that
9 it's not considered contiguous unless you can
10 actually conduct commerce from one part of the
11 district to another part of the district without
12 first having to go outside of your district in
13 through another district.

14 REP. LEWIS: Mr. Chairman?

15 SEN. HISE: Representative Lewis?

16 REP. LEWIS: Thank you, Mr. Chairman.

17 First of all, I want thank Senator Clark. He has
18 been extremely helpful in providing information for
19 us to review. I did review the language that he
20 proposed for quite a long time. I'm not in support
21 of the amendment for the following reasons.

22 One, I'm not familiar with the commercial
23 patterns and the layout of highways and roads all
24 across the state. And I assume that most members
25 on this Committee would say the same. Also, there

1 are elements of contiguity that can change, while
2 geographic features themselves do not. That's why
3 I feel it's wise to stick to contiguity as a legal
4 requirement for adopting in this criterion. I also
5 don't know in the amount of time that the Committee
6 has to draw the districts, that we could develop a
7 legal definition to match what the gentleman is
8 attempting to do. And with that, I would ask
9 members to vote down the amendment.

10 SEN. HISE: Representative Stevens?

11 REP. STEVENS: Thank you, Mr. Chair.
12 Representative Lewis, in looking at some of these
13 maps, particularly with our rocky, rocky coast, has
14 anybody submitted an alternative map that would
15 allow us to accomplish what he's hoping to
16 accomplish? I mean, wouldn't we break up our
17 optimum groups to try to do that?

18 REP. LEWIS: Thank you for the question.
19 The first answer is no. To my knowledge, nobody
20 has submitted any additional county grouping that
21 is more optimal than the one that we passed out. I
22 think what the gentleman's trying to do actually
23 deals with districts within the groupings. And I
24 just don't know that it is possible to do that,
25 either. There are precincts that overlap and

1 things like that. I just don't know how to develop
2 a legal -- I don't know how to define what the
3 gentleman is trying to do. And therefore, I don't
4 think we can adopt it as a criterion.

5 SEN. HISE: Senator Clark?

6 SEN. CLARK: Thank you, Mr. Chairman.
7 You're right. I'm speaking to the areas within the
8 clusters; not between clusters. Now, you're
9 correct that I don't know how to solve the problem
10 for every single district. But that's why we have
11 a committee. Members here, they do know how to do
12 that collectively. And there is a phrase up here.
13 I say that we want to do this to the extent
14 practicable. There may be circumstances in which
15 it is not practicable. But there are many in which
16 there are practicable solutions. I can certainly
17 tell you how to do it within my district as it
18 currently exists today.

19 And with regard to legal definition,
20 that's why we have staff here to support us. There
21 are a lot of things I cannot come up with the legal
22 definition for. But with the systems of our able
23 staff, we are more than able to accomplish that.

24 REP. LEWIS: Mr. Chairman?

25 SEN. HISE: Representative Lewis.

1 REP. LEWIS: Thank you, Mr. Chairman.
2 Just to speak to Senator Clark's last point. To be
3 clear, it's the intent of adopting the criterion
4 that this Committee is adopting today to produce a
5 draft map. And the draft map will be produced and
6 distributed. Members of the Committee will be able
7 to offer the kind of insight that Senator Clark has
8 proposed. We also intend to hold public hearings
9 across the state to receive feedback. And members
10 of the public may be able to offer input and advice
11 that gets closer to what the Senator is trying to
12 accomplish here. I want to point out that I've
13 spent a lot of time trying to figure out how to
14 incorporate this language. And I simply don't know
15 how to do it. And so, again, I would ask members
16 to vote against the amendment.

17 SEN. HISE: Senator Smith-Ingram?

18 SEN. SMITH-INGRAM: Thank you, Mr. Chair.
19 I guess I have a question, Representative Lewis,
20 but first, a statement. In looking at the
21 geographical compactness in the example based on
22 the submitted one, it is a challenge when you're
23 connecting counties by a body of water. For
24 example, Pasquotank and Hyde are connected, but
25 there's no means to traverse between them. You

1 would have to drive an hour around the district,
2 going through another district, to get to your
3 district. When you connect with a river, such as
4 my district, you end up with counties from one
5 point -- from the western point to the eastern
6 point. That's a two hour and 41 minute drive out
7 to the coast. And that makes it very problematic
8 when you're covering that type of territory.

9 So my question is, in light of those
10 examples, would you consider this to be
11 commensurate with geographical compactness? The
12 language of the amendment certainly promotes that
13 for me, and I'm wondering, do you see that?

14 REP. LEWIS: Thank you for the question,
15 and the short answer is, I don't see that. I do
16 understand the lady's point about the -- the size
17 of some of the districts that have to be drawn, but
18 I would point out, that oftentimes, that's directly
19 related to the physical size of the counties
20 themselves.

21 We, this General Assembly -- this is
22 getting off redistricting a bit, but this General
23 Assembly will continue to have to address the fact
24 that our rural areas, especially in the
25 northeastern part of the state, are large in land

1 mass and smaller in population than our urban
2 centers are. And there's just no way to get around
3 that.

4 SEN. SMITH-INGRAM: Okay. For
5 clarification follow-up --

6 SEN. HISE: Follow-up.

7 SEN. SMITH-INGRAM: So do you consider
8 contiguity and geographic compactness commensurate
9 with one another?

10 REP. LEWIS: Well, thank you for the
11 question. I understand contiguity which, by the
12 way, Representative Torbett gave me a breakdown on
13 how to say the word. I really do -- I really do
14 appreciate that. Apparently, I'm not doing a very
15 good job. But I understand that to mean that the
16 borders join, if you will. Compactness means that
17 you want to draw districts that are compact. I
18 don't know that those -- everything that we do, all
19 of the criteria that we're going to discuss today,
20 has got to be harmonized and used together. I
21 don't know that these are the exact same thing, so
22 I don't know that I would agree with that premise.

23 SEN. HISE: Thank you. And, Senator
24 Smith-Ingram, we would like -- several of us would
25 like to see the drive across our district reduced

1 to two and a half hours, so thanks for the comment.

2 Representative Brawley?

3 REP. BRAWLEY: Thank you, Mr. Chairman.
4 Bill Brawley, Mecklenburg County. When I read
5 Senator Clark's amendment, and he talked about
6 accessible for commerce, the first thought that
7 came to mind was roads. And I'm sitting next to
8 Chairman Torbett of Transportation who, along with
9 myself, were two of the co-sponsors for strategic
10 transportation investments law. And we were
11 thinking of the number of cases where you would
12 drive out of a House district on a road and then
13 back into the same district, just because of the
14 way our road network is set up and the incredible
15 need for more roads for commerce that we have.

16 I had concerns of it for that reason. I
17 would think that this might be a reasonable
18 discussion we have when we've finished our \$70
19 billion backlog of construction. But right now,
20 the shortage of roads would make this much more
21 difficult than it appears on the surface. And
22 would agree that I would tend to have concerns
23 about this. I believe the compactness and
24 contiguity are being addressed and the roads --
25 we're not going to be able to solve that today.

1 Thank you, Mr. Chairman.

2 SEN. HISE: Thank you. Senator Clark and
3 Senator Brown.

4 SEN. CLARK: Again, I would like to
5 emphasize my definition, as written, says to the
6 extent practicable. If it's not practicable, of
7 course we're not going to do it. However, there
8 are many circumstances in which it is practicable.

9 SEN. HISE: Senator Brown.

10 SEN. BROWN: Thank you, Mr. Chairman. I
11 think the county groupings piece is the concern --
12 or has created concern, I think, that Senator
13 Clark's bringing up. But that's a court ruling
14 that I don't think there's any flexibility on, on
15 how the groupings can be drawn. Is that correct,
16 Representative Lewis?

17 REP. LEWIS: Well, certainly, sir. Thank
18 you for the question. The county groupings are --
19 are required by the court, yes.

20 SEN. HISE: Senator Clark again.

21 SEN. CLARK: I need to clarify again. My
22 statement has nothing to do with county groupings.
23 We're talking about internal to the groupings, the
24 actual districts themselves within a grouping.

25 SEN. HISE: Any other questions or

1 comments? Hearing none, we will take into
2 consideration of amending the proposed criteria
3 plan as presented by Senator Clark. We will begin
4 with the Senate this time. The Senate Clerk will
5 call the roll.

6 CLERK: Senator Bishop?

7 SEN. BISHOP: No.

8 CLERK: No. Senator Blue? Senator
9 Brown?

10 SEN. BROWN: No.

11 CLERK: Senator Brown, no. Senator
12 Clark?

13 SEN. CLARK: Aye.

14 CLERK: Senator Clark, aye. Senator
15 Daniel? Senator Harrington?

16 SEN. HARRINGTON: No.

17 CLERK: Senator Harrington, no. Senator
18 Jackson?

19 SEN. JACKSON: No.

20 CLERK: Senator Jackson, no. Senator
21 Lee?

22 SEN. LEE: No.

23 CLERK: Senator Lee, no. Senator Lowe?

24 SEN. LOWE: Aye.

25 CLERK: Senator Lowe, aye. Senator

1 Newton?

2 SEN. NEWTON: No.

3 CLERK: Senator Newton, no. Senator
4 Rabon? Senator Smith-Ingram?

5 SEN. SMITH-INGRAM: Aye.

6 CLERK: Senator Smith-Ingram, aye.

7 Senator Van Duyn?

8 SEN. VAN DUYN: Aye.

9 CLERK: Senator Van Duyn, aye. Senator

10 Wade?

11 SEN. WADE: No.

12 CLERK: Senator Wade, no. Senator Hise?

13 SEN. HISE: No.

14 CLERK: Senator Hise, no.

15 SEN. HISE: The Clerk of the House will
16 please call the roll.

17 CLERK: Representative Jackson?

18 REP. JACKSON: Yes.

19 CLERK: Representative Jackson, aye.

20 Representative Szoka?

21 REP. SZOKA: No.

22 CLERK: Representative Szoka, no.

23 Representative Stevens?

24 REP. STEVENS: No.

25 CLERK: Representative Stevens, no.

1 Representative Bell?

2 REP. BELL: No.

3 CLERK: Representative Bell, no.

4 Representative Brawley?

5 REP. BRAWLEY: Brawley, no.

6 CLERK: Representative Brawley, no.

7 Representative Brockman?

8 REP. BROCKMAN: Aye.

9 CLERK: Representative Brockman, aye.

10 Representative Burr?

11 REP. BURR: No.

12 CLERK: Representative Burr, no.

13 Representative Davis? Representative Davis?

14 Representative Dixon?

15 REP. DIXON: No.

16 CLERK: Representative Dixon, no.

17 Representative Dobson?

18 REP. DOBSON: No.

19 CLERK: Representative Dobson, no.

20 Representative Dulin?

21 REP. DULIN: No.

22 CLERK: Representative Dulin, no.

23 Representative Farmer-Butterfield?

24 REP. FARMER-BUTTERFIELD: Aye.

25 CLERK: Representative

1 Farmer-Butterfield, aye. Representative Floyd?

2 Representative Floyd? Representative Garrison?

3 REP. GARRISON: Aye.

4 CLERK: Representative Garrison, aye.

5 Representative Gill?

6 REP. GILL: Aye.

7 CLERK: Representative Gill, aye.

8 Representative Grange?

9 REP. GRANGE: No.

10 CLERK: Representative Grange, no.

11 Representative Hall?

12 REP. HALL: No.

13 CLERK: Representative Hall, no.

14 Representative Hanes?

15 REP. HANES: Yes.

16 CLERK: Representative Hanes, aye.

17 Representative Hardister?

18 REP. HARDISTER: No.

19 CLERK: Representative Hardister, no.

20 Representative Harrison?

21 REP. HARRISON: Aye.

22 CLERK: Representative Harrison, aye.

23 Representative Hastings?

24 REP. HASTINGS: No.

25 CLERK: Representative Hastings, no.

1 Representative Howard?

2 REP. HOWARD: No.

3 CLERK: Representative Howard, no.

4 Representative Hunter?

5 REP. HUNTER: Aye.

6 CLERK: Representative Hunter, aye.

7 Representative Johnson?

8 REP. JOHNSON: No.

9 CLERK: Representative Johnson, no.

10 Representative Hurlley?

11 REP. HURLEY: No.

12 CLERK: Representative Hurlley, no.

13 Representative Jones? Representative Jones?

14 Representative Jordan?

15 REP. JORDAN: No.

16 CLERK: Representative Jordan, no.

17 Representative Malone?

18 REP. MALONE: No.

19 CLERK: Representative Malone, no.

20 Representative Michaux?

21 REP. MI CHAUX: Aye.

22 CLERK: Representative Michaux, aye.

23 Representative Moore?

24 REP. MOORE: Aye.

25 CLERK: Representative Moore, aye.

1 Representati ve Pi erce?

2 REP. PI ERCE: Aye.

3 CLERK: Representati ve Pi erce, aye.

4 Representati ve Rei ves?

5 REP. REI VES: Aye.

6 CLERK: Representati ve Rei ves, aye.

7 Representati ve Wi l l i ngham?

8 REP. WI LL I NGHAM: Aye.

9 CLERK: Representati ve Wi l l i ngham, aye.

10 Representati ve Speci al e?

11 REP. SPECI ALE: No.

12 CLERK: Representati ve Speci al e, no.

13 Representati ve Rogers?

14 REP. ROGERS: No.

15 CLERK: Representati ve Rogers, no.

16 Representati ve Sai ne?

17 REP. SAI NE: No.

18 CLERK: Representati ve Sai ne, no.

19 Representati ve Wray?

20 REP. WRAY: Aye.

21 CLERK: Representati ve Wray, aye.

22 Representati ve Yarborough?

23 REP. YARBOROUGH: No.

24 CLERK: Representati ve Yarborough, no.

25 Representati ve Torbett?

1 REP. TORBETT: No.

2 CLERK: Representative Torbett, no.

3 Representative Lewis?

4 REP. LEWIS: No.

5 CLERK: Representative Lewis, no.

6 Representative Dollar?

7 REP. DOLLAR: No.

8 CLERK: Representative Dollar, no.

9 SEN. HISE: By a vote of 4 in favor, 8
10 against in the Senate, and I believe I saw that
11 it's 14 in favor, 24 against -- 28 against? 14 in
12 favor, 24 against in the House. The motion to
13 amend the second submitted criterion fails.
14 Criterion Number 2, Contingency, is now back before
15 the Committee.

16 REP. DOLLAR: Mr. Chairman?

17 SEN. HISE: Representative Dollar.

18 REP. DOLLAR: I would move the adoption
19 of Criterion Number 2.

20 SEN. HISE: Motion by the Chairs for the
21 adoption of Criterion Number 2. Is there any other
22 questions or comments regarding the criteria?
23 Seeing none, we will move into a vote on this
24 process, and we will ask the Clerk of the House to
25 call the roll.

1 CLERK: Representative Jackson?
2 REP. JACKSON: No.
3 CLERK: Representative Jackson, no.
4 Representative Szoka?
5 REP. SZOKA: Aye.
6 CLERK: Representative Szoka, aye.
7 Representative Stevens?
8 REP. STEVENS: Aye.
9 CLERK: Representative Stevens, aye.
10 Representative Bell?
11 REP. BELL: Aye.
12 CLERK: Representative Bell, aye.
13 Representative Brawley?
14 REP. BRAWLEY: Brawley, aye.
15 CLERK: Representative Brawley, aye.
16 Representative Brockman?
17 REP. BROCKMAN: No.
18 CLERK: Representative Brockman, no.
19 Representative Burr?
20 REP. BURR: Aye.
21 CLERK: Representative Burr, aye.
22 Representative Davis? Representative Davis?
23 Representative Dixon? Representative Dixon?
24 REP. DIXON: Aye.
25 CLERK: Representative Dixon, aye.

1 Representative Dobson?

2 REP. DOBSON: Aye.

3 CLERK: Representative Dobson, aye.

4 Representative Dulin?

5 REP. DULIN: Aye.

6 CLERK: Representative Dulin, aye.

7 Representative Farmer-Butterfield?

8 REP. FARMER-BUTTERFIELD: No.

9 CLERK: Representative

10 Farmer-Butterfield, no. Representative Floyd?

11 Representative Floyd? Representative Garrison?

12 REP. GARRISON: No.

13 CLERK: Representative Garrison, no.

14 Representative Gill?

15 REP. GILL: No.

16 CLERK: Representative Gill, no.

17 Representative Grange?

18 REP. GRANGE: Aye.

19 CLERK: Representative Grange, aye.

20 Representative Hall?

21 REP. HALL: Aye.

22 CLERK: Representative Hall, aye.

23 Representative Hanes?

24 REP. HANES: No.

25 CLERK: Representative Hanes, no.

1 Representative Hardister?

2 REP. HARDISTER: Aye.

3 CLERK: Representative Hardister, aye.

4 Representative Harrison?

5 REP. HARRISON: No.

6 CLERK: Representative Harrison, no.

7 Representative Hastings?

8 REP. HASTINGS: Aye.

9 CLERK: Representative Hastings, aye.

10 Representative Howard?

11 REP. HOWARD: Aye.

12 CLERK: Representative Howard, aye.

13 Representative Hunter?

14 REP. HUNTER: No.

15 CLERK: Representative Hunter, no.

16 Representative Johnson?

17 REP. JOHNSON: Aye.

18 CLERK: Representative Johnson, aye.

19 Representative Hurlley?

20 REP. HURLEY: Aye.

21 CLERK: Representative Hurlley, aye.

22 Representative Jones? Representative Jones?

23 Representative Jordan?

24 REP. JORDAN: Aye.

25 CLERK: Representative Jordan, aye.

1 Representative Malone?

2 REP. MALONE: Aye.

3 CLERK: Representative Malone, aye.

4 Representative Michaux?

5 REP. MI CHAUX: No.

6 CLERK: Representative Michaux, no.

7 Representative Moore?

8 REP. MOORE: No.

9 CLERK: Representative Moore, no.

10 Representative Pierce?

11 REP. PIERCE: No.

12 CLERK: Representative Pierce, no.

13 Representative Pierce? Representative Reives,
14 excuse me.

15 REP. REIVES: No.

16 CLERK: Representative Reives, no.

17 Representative Willingham?

18 REP. WILLINGHAM: No.

19 CLERK: Representative Willingham, no.

20 Representative Speciale?

21 REP. SPECIALE: Aye.

22 CLERK: Representative Speciale, aye.

23 Representative Rogers?

24 REP. ROGERS: Aye.

25 CLERK: Representative Rogers, aye.

1 Representative Saine?

2 REP. SAINÉ: Aye.

3 CLERK: Representative Saine, aye.

4 Representative Wray?

5 REP. WRAY: No.

6 CLERK: Representative Wray, no.

7 Representative Yarborough?

8 REP. YARBOROUGH: Yes.

9 CLERK: Representative Yarborough --
10 Yarborough, aye. Representative Torbett?

11 REP. TORBETT: Aye.

12 CLERK: Representative Torbett, aye.

13 Representative Lewis?

14 REP. LEWIS: Aye.

15 CLERK: Representative Lewis, aye.

16 Representative Dollar?

17 REP. DOLLAR: Aye.

18 CLERK: Representative Dollar, aye.

19 SEN. HISE: Okay. Clerk of the Senate
20 will call out the roll.

21 CLERK: Senator Bishop?

22 SEN. BISHOP: Aye.

23 CLERK: Senator Bishop, aye. Senator

24 Blue? Senator Brown?

25 SEN. BROWN: Aye.

1 CLERK: Senator Brown, aye. Senator
2 Clark?
3 SEN. CLARK: No.
4 CLERK: Senator Clark, no. Senator
5 Daniel? Senator Harrington?
6 SEN. HARRINGTON: Aye.
7 CLERK: Senator Harrington, aye. Senator
8 Jackson?
9 SEN. JACKSON: Aye.
10 CLERK: Senator Jackson, aye. Senator
11 Lee?
12 SEN. LEE: Aye.
13 CLERK: Senator Lee, aye. Senator Lowe?
14 SEN. LOWE: No.
15 CLERK: Senator Lowe, no. Senator
16 Newton?
17 SEN. NEWTON: Aye.
18 CLERK: Senator Newton, aye. Senator
19 Rabon? Senator Smith-Ingram?
20 SEN. SMITH-INGRAM: No.
21 CLERK: Senator Smith-Ingram, no.
22 Senator Van Duyn?
23 SEN. VAN DUYN: No.
24 CLERK: Senator Van Duyn, no. Senator
25 Wade?

1 SEN. WADE: Aye.

2 CLERK: Senator Wade, aye. Senator Hise?

3 SEN. HISE: Aye.

4 CLERK: Senator Hise, aye.

5 SEN. HISE: By a vote of 24-14 in the
6 House and a vote of 8 to 4 in the Senate, the
7 second submitted criteria, Contiguity, is passed
8 and is adopted by the committee. The committee
9 will stand at ease for just a few minutes.

10 (Proceedings went off the record.)

11 SEN. HISE: Thank you, members of the
12 committee. The next item we will consider is
13 labeled as Number 6 in the process. As soon as I
14 get to it.

15 REP. LEWIS: Mr. Chairman, may I speak
16 briefly on 5 for just a moment?

17 SEN. HISE: Go ahead.

18 REP. LEWIS: Members, the reason that I
19 asked the Chair to skip what is labeled Number 5 --
20 by the way, these numbers are so that I would not
21 forget to get through one of them. The reason that
22 I ask that Number 5 be split -- be not discussed at
23 the moment and displaced, staff is trying to get a
24 firm definition of precinct versus voting
25 tabulation district. The Court, in its opinion,

1 wrote about precincts, which is why this criteria
2 says the word "precinct," but we're trying to get
3 a -- just get a staff understanding on if it's
4 precinct or voting tabulation district, which is --
5 I know some of you are wondering why we moved past
6 that. We're just trying to get a technical
7 clarification, which is why I asked the chair to
8 take up Number -- what is labeled Number 6,
9 municipal boundaries, next. So with that, Mr.
10 Chair, if I can speak on that.

11 SEN. HISE: Do all members have a copy of
12 Number 6, municipal boundaries? Okay.
13 Representative Lewis, you're recognized to explain.

14 REP. LEWIS: Thank you, Mr. Chairman.
15 Mr. Chairman, this says that the committees may
16 consider municipal boundaries when drawing
17 legislative districts in the 2017 House and Senate
18 plan. This -- and if I may speak on it, this is
19 another criteria that comes in response to public
20 inquiry.

21 At last week's committee hearing, Dianna
22 Wynn of Wake County asked the committee to consider
23 not dividing municipalities where possible. The
24 chairs are proposing that consideration be made
25 when drawing these new district lines. Would like

1 to state for the record that, as this is based on
2 the 2010 census, that the municipality boundaries
3 that would be looked at would be the 2010
4 boundaries as well. And with that, Mr. Chairman,
5 I'd like to move the -- the adoption of this
6 criteria.

7 SEN. HISE: Okay. Any questions or
8 comments? Representative Jackson?

9 REP. JACKSON: Thank you, Mr. Chairman.
10 Chairman Lewis, since we are bound by law to
11 consider communities of interest, I'm wondering why
12 the may instead of the shall is used in this
13 criteria. That's my first question.

14 REP. LEWIS: Thank you for the question,
15 Representative Jackson. The may is empowering
16 language that says that the map drawer may and
17 rightfully should consider municipality boundaries
18 when they can. As you know, not all municipalities
19 are laid out in neat design, so sometimes it may
20 not be possible to do that. As to communities of
21 interest, and I know you are an attorney; I am not,
22 but, to be clear, we couldn't find a concise
23 definition of what a community of interest is,
24 which is why it's not one of the criteria that we
25 have proposed as of yet.

1 SEN. HISE: Follow-up?

2 REP. JACKSON: Chairman Lewis, well, one
3 thing, under the law, the words "may" or "should"
4 actually have different meanings and you used "may"
5 and "should." And so I guess the first question
6 would be, would you consider changing "may" to
7 "should"?

8 REP. LEWIS: Thank you for the question.
9 The -- and as always, you're -- you're right. The
10 reason -- and we talked a lot about how to present
11 these criteria to where they made the most sense to
12 everyone, and the word "should" is used in what I
13 would consider to be criteria that absolutely
14 positively must be followed, like the
15 one-person-one-vote rule.

16 There are other criteria, in fact, in the
17 letter that Senator Blue wrote to us, he called
18 them actually secondary criteria. There are other
19 criteria that may be considered. One of those is
20 the municipal boundaries. So I would say that I
21 would prefer the word "may" to stay in this, and
22 that when the maps are drawn, that we may very well
23 consider municipal boundaries.

24 REP. JACKSON: Follow-up --

25 SEN. HISE: Follow-up?

1 REP. JACKSON: If -- if I could. I'll
2 just stay on the communities of interest. I don't
3 think it's addressed in any of the other proposed
4 criteria. And so I do have a question about that.
5 I understand from -- from your previous
6 announcement at committee and from reading the
7 newspaper that we're going to be using the same map
8 drawer as last time, Mr. Hofeller. And I would
9 ask, you know, who will be helping Mr. Hofeller
10 draw the maps to make sure that communities of
11 interest are protected?

12 REP. LEWIS: Thank you for the question.
13 Dr. Hofeller was hired at the direction of myself
14 and Senator Hi se. For the House, I will be working
15 with him to help produce the map that will be
16 presented to the committee and to the public. At
17 that time, all the members of the committee
18 certainly have access to amend the map. The
19 members of the public who wish to comment on the
20 map -- if you or any other member or a citizen who
21 takes time to engage in this process thinks that
22 certain communities should be recombined in certain
23 ways, we will certainly be open to reviewing that
24 at that time.

25 REP. JACKSON: Okay.

1 SEN. HISE: Any other questions,
2 comments? Representative Michaux?

3 REP. MICHAUX: Yeah, Mr. Chair --
4 Chairman Lewis, going back to the matter of
5 communities of interest, are there not communities
6 of -- you say there's no legal definition that you
7 have found, but are there not communities of
8 interest identified in each community in this
9 state? For instance, there's a community --
10 communities of interest, rural, urban, educational,
11 whatever. There are various communities of
12 interest throughout the state. Well, why should
13 they not be identified in here and used?

14 REP. LEWIS: Thank you for the question,
15 Representative. I don't disagree with you at all.
16 I would simply point out that because a community
17 of interest can be defined in any number of ways,
18 exactly as you just did, and some of those
19 communities of interest actually overlap, some
20 contradict each other, perhaps, I don't know that
21 there is a definitive way to define that. But I
22 would point out to the committee that the criteria
23 that I'm asking to adopt is that the committee may
24 consider municipal boundaries when drawing the
25 lines.

1 SEN. HISE: Follow-up?

2 REP. MICHAUX: But -- but have you not
3 had -- even in your last drawing, did you not
4 consider communities of interest and have they not
5 been considered in previous redistricting matters
6 that were drawn up in the past?

7 REP. LEWIS: Thank you for the question,
8 Representative. I know that the concept of
9 communities of interest were discussed. I don't
10 know to what degree that they were considered in
11 the map drawing.

12 SEN. HISE: Representative Reives?

13 REP. REIVES: Thank you, Chair. And,
14 Chairman Lewis, again with the committees of
15 interest, I understand that there are -- that you
16 haven't found concise, clear definitions, but as
17 Representative Michaux was just stating, I think
18 they've been referred to, even by the Supreme
19 Court, as early as Bush v. Vera, when George Bush
20 was governor, when they had a redistricting case
21 based on race and unconstitutionality where they
22 discussed that and gave several examples of things
23 that were considered communities of interest. If
24 we use that as part of the criteria, I mean,
25 wouldn't we be able to refer to that and then kind

1 of know it when we see it when we're discussing it?

2 REP. LEWIS: Thank you for the question,
3 Representative. Respectfully, I don't think
4 communities of interest is in contradiction to this
5 proposed criteria of municipal boundaries. If
6 we -- if the committee wishes to try to come up
7 with a definition and offer additional criteria, we
8 can certainly consider that at that time, but I
9 don't think any desire to define or include the
10 words "communities of interest" is in opposition to
11 the criteria that I've proposed, and I would
12 appreciate the committee's support on.

13 SEN. HISE: Follow-up?

14 REP. REIVES: Thank you. So in light of
15 that, and I -- I would agree with you that not --
16 not -- they're not necessarily in opposition to
17 each other, would you be opposed to an amendment
18 that includes the term "communities of interest,"
19 just in case we have a situation where the
20 municipal lines don't necessarily recognize a
21 community of interest?

22 REP. LEWIS: Representative, thank you
23 for the question. In short, I proposed the
24 criteria before us -- before you that I believe the
25 committee may consider when drawing the lines. I

1 do not believe that there is a concise definition
2 that everyone can agree to that defines what a
3 community of interest in -- is.

4 In the examples that Representative
5 Michaux gave earlier in his comments, he
6 referred -- you may have an educational community,
7 if you will. And I'm not trying to focus on
8 Durham, but you may be talking about Duke
9 University or North Carolina Central. That's an
10 educational community of interest. It may be
11 directly next to a very blue-collar type area.
12 Those two aren't necessarily communities of
13 interest when you're drawing the lines.

14 So, again, I think we're getting a little
15 bit far from what I had hoped would be a pretty
16 simple criteria. At this time, I would not support
17 an amendment to this criteria for communities of
18 interest because municipalities are defined and
19 understood. Communities of interest aren't even
20 agreed to in this room.

21 SEN. HISE: I have Representative Jordan
22 and Representative Michaux.

23 REP. JORDAN: Thank you, Mr. Chairman.
24 There was an earlier colloquy between
25 Representative Jackson and Representative Lewis

1 di scussi ng "may" and "shoul d." Just to clari fy,
2 shoul dn' t that have been "may" and "shal l"?

3 REP. LEWIS: It may shoul d have.

4 REP. JORDAN: Thanks.

5 SEN. HISE: Representati ve Mi chaux.

6 REP. MI CHAUX: Yeah. Mr. Lewi s, to -- to
7 the -- you have here the commi ttees may consider
8 muni cipal boundari es. You' re gi vi ng them an opti on
9 as to whether or not they want to consider
10 muni cipal boundari es. Why not gi ve them the opti on
11 of whether or not they woul d want to consider
12 communi ties of interest? We know what communi ties
13 of interest are. We can i denti fy communi ties of
14 interest. Why can' t you go ahead on -- if you
15 going to gi ve them a choi ce, what other choi ce do
16 they have other than muni cipal boundari es, when you
17 say they may consider muni cipal boundari es?

18 REP. LEWIS: Well, thank you for that
19 questi on, Representati ve. Let me try to be a
20 littl e clearer. One of the criteri a and one of the
21 recurr ing them es of publi c input that we' ve got is
22 to try not to spli t muni cipaliti es. As you know,
23 there are numeri ous exampl es through out the state
24 where muni cipaliti es have actual ly annexed into
25 other counti es. They start in one county and

1 continue into another county. That is not
2 compatible with the Stephenson requirement for how
3 counties are grouped.

4 So the reason it says "may" is that I,
5 personally, believe that is important, and I think
6 that everyone on this committee will have the
7 chance -- if we do not consider municipal
8 boundaries in such a way that is acceptable to the
9 committee, they'll have a chance to weigh in and
10 amend and attempt to change the way that is done.
11 But, again, this is just simply trying to respond
12 to input that we got. Will we always consider
13 municipal boundaries? Probably not, because we
14 won't be able to. But this is -- this is an
15 aspirational goal.

16 SEN. HISE: And I think it's also
17 important to point out that municipal boundaries,
18 when municipalities expand or others are not bound
19 to limit themselves to complete Census tracts. And
20 a Census tract is the smallest layer of data we
21 have in order which to divide districts on.

22 REP. MICHAUX: I understand --

23 SEN. HISE: Follow-up.

24 REP. MICHAUX: And I understand that, Mr.
25 Chairman, but what I'm getting at is that there are

1 communities of interest that sometimes overshadow
2 municipal boundaries and could be used and should
3 be used in terms of criteria for redistricting. I
4 mean, there's no doubt in my mind that you got
5 within an -- within a municipal area, you've got an
6 urban community and you've got a suburban community
7 and you've got maybe an agrarian community all
8 combined in one. Why -- and -- and, if it's large
9 enough, you could have representation from all
10 three. I mean, I'm trying to get communities of
11 interest in there because they seem to be the
12 salient factor in all of redistricting.

13 SEN. HISE: I'll just follow up. I think
14 that was more of a comment, but I will say that, is
15 there a specific community of interest that you are
16 submitting?

17 REP. MICHAUX: I hadn't thought about it
18 right now. All I know is that there's a
19 difference -- there's a suburban community -- a
20 suburban community and an agrarian community. And
21 they are both communities of interest. One
22 involves agrarian and the other involves
23 suburban-type things. All these communities of
24 interest where people have like -- with
25 similarities are alike. Particularly in those

1 communities of interest.

2 SEN. HISE: Representative Lewis?

3 REP. LEWIS: Thank you, Mr. Chairman.

4 Mr. Chairman and specifically Representative
5 Michaux and other members, the -- it is my
6 understanding that the communities of interest, as
7 defined by the courts, are largely covered in what
8 we call the Stephenson county groupings. Many of
9 what we are talking about, what is a community of
10 interest and what is not, is an objective and not a
11 subjective tone or goal. It's not a definable
12 thing. Counties, municipality, precinct lines are
13 things that are all community-of-interest-type
14 things that we're going to seek to preserve.

15 But what may be a community of interest
16 for me, when I draw the map that I present, you may
17 correct and say you did not recognize that this
18 community and this community should be joined. And
19 I'm -- I'm communicating to you that I'll work with
20 you at -- at that point.

21 At this point, I don't know how we can --
22 a municipality is a defined thing. All I'm saying
23 is that the committee may consider the defined,
24 understood, legally-recognized thing, as opposed to
25 the abstract, objective community of interest. And

1 I would urge the committee to adopt this criteria.

2 SEN. HISE: Senator Clark?

3 SEN. CLARK: Thank you, Mr. Chairman.

4 Would you allow staff to prepare an amendment to
5 this particular item, stating to the effect that
6 members of this General Assembly can submit
7 definitive community of interests, if you will, so
8 that the amendment might read something to the
9 effect that the committees may consider municipal
10 boundaries and committees -- communities of
11 interest, as defined by a member of this body when
12 drawing legislative districts?

13 REP. LEWIS: Well, thank you for the
14 question, Senator Clark. And to be clear,
15 certainly, I have no control over what amendments
16 are sent forth.

17 SEN. CLARK: I would like to send forth
18 an amendment to that effect.

19 REP. LEWIS: Acknowledged. With that,
20 Mr. Chairman, perhaps we could displace this and
21 come back to it once it can be prepared to what
22 Senator Clark has asked for.

23 SEN. HISE: We will displace this to
24 consider another Senator Clark amendment.

25 REP. LEWIS: And, Mr. Chairman, we can --

1 Mr. Chairman, perhaps now we can return to 5. I
2 think we've got -- got that cleared up.

3 SEN. HISE: Okay. All members have
4 Criteria Number 5, fewer split precincts?
5 Representative Lewis, you're -- you're recognized
6 to explain and debate.

7 REP. LEWIS: Thank you, Mr. Chairman.
8 This -- this criteria says that the committee shall
9 make reasonable efforts to draw legislative
10 districts in the 2017 House and Senate plans to
11 split fewer precincts than the current legislative
12 redistricting plans. To elaborate, the Chair
13 should receive input from the public, including
14 input from William Smith of Raleigh at last week's
15 committee meeting, urging the committees to split
16 fewer precincts in new legislative redistricting
17 plans. We are proposing this criteria in response
18 to that public input.

19 SEN. HISE: Representative Torbett?

20 REP. TORBETT: Thank you, Mr. Chairman.
21 I think this is a very good, common-sense amendment
22 and would move for adoption of the proposed
23 criteria.

24 SEN. HISE: Okay. Representative
25 Jackson.

1 REP. JACKSON: Mr. Chairman, I submitted
2 some alternative language the staff has and I
3 believe is ready to be passed out at your
4 direction.

5 SEN. HISE: Okay. I'm assuming, then,
6 Senator Jackson has moved to amend the criteria.
7 That's what's coming in. I think we'll have staff
8 go ahead and pass that out. Okay. I will take
9 this brief moment for a little personal privilege
10 and we'll recognize the Speaker of the House.

11 SPEAKER MOORE: Yes. Good afternoon. I
12 just wanted you all to join me in welcoming a
13 special guest. Thank you. Thank you. I just
14 wanted you all to join me in welcoming a special
15 guest we have today. This is Cliff Rosenberger.
16 He's the Speaker of the House in Ohio. And he's
17 here visiting in North Carolina today on some
18 economic development initiatives. And so I would
19 hope you all would join me in welcoming the Speaker
20 of Ohio with us here today.

21 MR. ROSENBERGER (VISITOR): Hi. Thank
22 you. Thank you very much. I appreciate it.

23 SPEAKER MOORE: I told him this was the
24 only -- we weren't in session, this is the only
25 official meeting today. So we're doing some things

1 economic development related, but I wanted you all
2 to know that he was here. And so he knows we're
3 all here hard at work. I think they're going back
4 into session here --

5 MR. ROSENBERGER (VISITOR): September.
6 We go in, in September. So -- and about to do the
7 very same thing you're all doing, so keep up the
8 hard work.
9 So thank you all very much.

10 SPEAKER MOORE: Thanks.

11 SEN. HISE: Representative Jackson,
12 you've sent forward your amendment; you're
13 recognized to explain it.

14 REP. JACKSON: Thank you, Mr. Chairman.
15 So my alternate language just adds a sentence to
16 Chairman Lewis's --

17 REP. JORDAN: Mr. Chairman. Mr.
18 Chairman. Over here, Jordan. Can I see a copy
19 before we begin discussion?

20 SEN. HISE: You can. We're actually
21 apparently waiting on a row to receive them. They
22 can have mine. Does everybody got one? Everyone
23 seen the amendment? Okay. Representative Jackson,
24 go ahead.

25 REP. JACKSON: So by my reading of the

1 way Number 5 as -- as proposed, you know, if we
2 just split one fewer precinct, we've accomplished
3 that goal, and clearly we want to do more than
4 that. We want to severely limit the number of
5 split precincts. And so my amendment would propose
6 that we only split precincts to achieve population
7 balance in compliance with the equal protection
8 criteria, so that's the plus or minus five percent,
9 and that we explicitly state we shall not split
10 precincts to achieve partisan advantage.

11 SEN. HISE: Representative Lewis?

12 REP. LEWIS: Thank you, Mr. Chairman.

13 Members, I've reviewed Senator -- Senator Jackson,
14 I apologize, the Chairman's getting to me. I've
15 reviewed Representative Jackson's amendment, and I
16 do not disagree with it in spirit. However, I
17 would ask you not to support the amendment because,
18 once the maps are drawn, the committee will have
19 the ability to review them and to offer whatever
20 explanation they may so choose as to why a precinct
21 was split or not split. I think this is a noble
22 criteria, but it's a largely unworkable one, in
23 terms of trying to define why was this -- this
24 precinct split where it was. So, with that, I
25 would -- I don't think it's a workable criteria to

1 use, and I would ask members to vote down this
2 amendment.

3 SEN. HISE: Senator Van Duyn?

4 SEN. VAN DUYN: Thank you, Mr. Chair.
5 I'd just like to respond to that, because you
6 started your presentation by saying that this was
7 in response to public comment. And clearly what we
8 heard from nearly everyone who made public
9 comment -- I think there was one exception. What
10 people were asking for was districts that represent
11 the voters, not districts that represent political
12 parties. And I think what Representative Jackson's
13 amendment does is get to the heart of what they
14 were requesting.

15 And so, with all due respect, I think it
16 is the most important part of what they were asking
17 for, is that we not split precincts for political
18 advantage. And I think it's important that we
19 acknowledge -- if we're going to do public comment,
20 I think we have to acknowledge it. That doesn't
21 mean we need to go along with it necessarily, but
22 we need to address what they ask for and either say
23 why we will or will not follow what they said.

24 And clearly they want us to move away
25 from political -- using redistricting for political

1 advantage. And one of the most disruptive ways of
2 redistricting for political advantage is slicing
3 and dicing individual precincts. I worked as a
4 precinct judge before I was an elected official and
5 when you have multiple ballots within a precinct,
6 it is extraordinarily challenging. And -- and just
7 not fair to our voters.

8 REP. LEWIS: Mr. Chairman.

9 SEN. HISE: Representative Lewis?

10 REP. LEWIS: I -- I want to thank the
11 lady for her comments. I would say that I think
12 the public comment is important and, as elected
13 representatives, we must take it into account and
14 must do our best to honor what is shared with us.
15 Let me take another stab at this. Every line that
16 is drawn on the map that is not mandated by the
17 Stephenson criteria or whatnot is -- in one way or
18 the other, will have political ramifications. So
19 if we adopt the Jackson amendment, what will happen
20 is, with respect, some of you in here will say,
21 "Look, you split this precinct to gain a partisan
22 advantage." And I'll say, no, "I split it to
23 comply with the equal population requirement." And
24 you'll say, "No, you split it to" -- because
25 wherever we split it, it will have political

1 consequences one way or the other. So it's not a
2 realistic goal to adopt a criteria that you cannot
3 achieve.

4 SEN. HISE: Representative Jackson?

5 REP. JACKSON: Thank you, Mr. Chairman.
6 Just for the record, I'll note I'm covering Speaker
7 Blue as well, so that's why I'm doing twice as much
8 today. Chairman Lewis, I wonder, other than
9 population balance, what other reasons would you
10 have to split a precinct?

11 REP. LEWIS: Thank you for that question,
12 Representative Jackson. We just went through or --
13 and are going to go back through a long
14 conversation about municipal -- municipal
15 boundaries. Cities don't annex along precinct
16 lines, so that is a reason that you may split a
17 precinct. It may be more important to keep the
18 city as whole as you can than to worry about, per
19 se, how the precincts fall. If I had a precinct
20 map in here, almost literally of any county in this
21 state, I could show you how municipalities don't
22 follow precinct lines.

23 SEN. HISE: Any other questions or
24 comments? Senator Clark?

25 SEN. CLARK: Thank you, Mr. Chair. I

1 just have a comment. I don't see a problem with us
2 explicitly stating that we should not split
3 precincts other than for population balance. Case
4 in point, I belong to a two-county cluster, and on
5 the Cumberland County side of my district, I have
6 about -- people from about 41 precincts vote in
7 District 21. Of those 41, 33 are split, and for
8 the life of me, I can't understand why 33 out of 41
9 precincts should be split.

10 SEN. HISE: Any other questions or
11 comments? Okay. None. I believe Representative
12 Torbett had made the motion when we began --
13 Jackson, sorry, for the amendment. So
14 Representative Jackson has moved to amend the
15 submitted criteria.

16 UNIDENTIFIED MEMBER: Second, Mr. Chair.

17 SEN. HISE: Motion doesn't require a
18 second, but as we will see no more discussion or
19 debate, we will move into a vote. And I believe we
20 will begin with the House as the order.

21 CLERK: Representative Jackson?

22 REP. JACKSON: Yes.

23 CLERK: Representative Jackson, yes.
24 Representative Szoka?

25 REP. SZOKA: No.

1 CLERK: Representative Szoka, no.

2 Representative Stevens?

3 REP. STEVENS: No.

4 CLERK: Representative Stevens, no.

5 Representative Bell?

6 REP. BELL: No.

7 CLERK: Representative Bell, no.

8 Representative Brawley?

9 REP. BRAWLEY: No.

10 CLERK: Representative Brawley, no.

11 Representative Brockman?

12 REP. BROCKMAN: Yes.

13 CLERK: Representative Brockman, aye.

14 Representative Burr?

15 REP. BURR: No.

16 CLERK: Representative Burr, no.

17 Representative Davis? Representative Davis?

18 Representative Dixon?

19 REP. DIXON: No.

20 CLERK: Representative Dixon, no.

21 Representative Dobson?

22 REP. DOBSON: No.

23 CLERK: Representative Dobson, no.

24 Representative Dulin.

25 REP. DULIN: No.

1 CLERK: Representative Dulin, no.
2 Representative Farmer-Butterfield?
3 REP. FARMER-BUTTERFIELD: Yes.
4 CLERK: Representative
5 Farmer-Butterfield, aye. Representative Floyd?
6 Representative Floyd? Representative Garrison?
7 REP. GARRISON: Yes. Aye.
8 CLERK: Representative Garrison, aye.
9 Representative Gill?
10 REP. GILL: Aye.
11 CLERK: Representative Gill, aye.
12 Representative Grange?
13 REP. GRANGE: No.
14 CLERK: Representative Grange, no.
15 Representative Hall?
16 REP. HALL: No.
17 CLERK: Representative Hall, no.
18 Representative Hanes?
19 REP. HANES: Yes.
20 CLERK: Representative Hanes, aye.
21 Representative Hardister?
22 REP. HARDISTER: No.
23 CLERK: Representative Hardister, no.
24 Representative Harrison? Representative Harrison?
25 Representative Hastings?

1 REP. HASTINGS: No.
2 CLERK: Representative Hastings, no.
3 Representative Howard?
4 REP. HOWARD: No.
5 CLERK: Representative Howard, no.
6 Representative Hunter?
7 REP. HUNTER: Aye.
8 CLERK: Representative Hunter, aye.
9 Representative Johnson?
10 REP. JOHNSON: No.
11 CLERK: Representative Johnson, no.
12 Representative Jones? Representative Jones?
13 Representative Jordan?
14 REP. JORDAN: No.
15 CLERK: Representative Jordan, no.
16 Representative Malone?
17 REP. MALONE: No.
18 CLERK: Representative Malone, no.
19 Representative Michaux?
20 REP. MICHAUX: Aye.
21 CLERK: Representative Michaux, aye.
22 Representative Moore?
23 REP. MOORE: Yes.
24 CLERK: Representative Moore, aye.
25 Representative Pierce?

1 REP. PIERCE: Yes.

2 CLERK: Representative Pierce, aye.

3 Representative Reives?

4 REP. REIVES: Aye.

5 CLERK: Representative Reives, aye.

6 Representative Willingham?

7 REP. WILLINGHAM: Aye.

8 CLERK: Representative Willingham, aye.

9 Representative Speciale?

10 REP. SPECIALE: No.

11 CLERK: Representative Speciale, no.

12 Representative Rogers?

13 REP. ROGERS: No.

14 CLERK: Representative Rogers, no.

15 Representative Saine?

16 REP. SAINÉ: No.

17 CLERK: Representative Saine, no.

18 Representative Wray?

19 REP. WRAY: Aye.

20 CLERK: Representative Wray, aye.

21 Representative Yarborough?

22 REP. YARBOROUGH: No.

23 CLERK: Representative Yarborough, could
24 you repeat that?

25 REP. YARBOROUGH: No.

1 CLERK: Representative Yarborough, no.

2 Representative Harrison? Representative Lewis?

3 REP. LEWIS: No.

4 CLERK: No. Representative Dollar?

5 REP. DOLLAR: No.

6 CLERK: Representative Dollar, no.

7 REP. HURLEY: Mr. Chair, I was skipped.

8 CLERK: Oh, I'm sorry. Representative

9 Hurl ey?

10 REP. HURLEY: No.

11 CLERK: No. Representative Torbett?

12 REP. TORBETT: No.

13 CLERK: Representative Torbett, no.

14 SEN. HISE: The Clerk will call the roll
15 for the Senate?

16 CLERK: Senator Bishop?

17 SEN. BISHOP: No.

18 CLERK: Senator Bishop, no. Senator

19 Blue? Senator Brown?

20 SEN. BROWN: No.

21 CLERK: Senator Brown, no. Senator

22 Clark?

23 SEN. CLARK: Aye.

24 CLERK: Senator Clark, aye. Senator

25 Daniel? Senator Harrington?

1 SEN. HARRINGTON: No.
2 CLERK: Senator Harrington, no. Senator
3 Jackson?
4 SEN. JACKSON: No.
5 CLERK: Senator Jackson, no. Senator
6 Lee?
7 SEN. LEE: No.
8 CLERK: Senator Lee, no. Senator Lowe?
9 SEN. LOWE: Aye.
10 CLERK: Senator Lowe, aye. Senator
11 Newton?
12 SEN. NEWTON: No.
13 CLERK: Senator Newton, no. Senator
14 Rabon? Senator Smith-Ingram?
15 SEN. SMITH-INGRAM: Aye.
16 CLERK: Senator Smith-Ingram, aye.
17 Senator Van Duyn?
18 SEN. VAN DUYN: Aye.
19 CLERK: Senator Van Duyn, aye. Senator
20 Wade?
21 SEN. WADE: No.
22 CLERK: Senator Wade, no. Senator Hi se?
23 SEN. HI SE: No.
24 CLERK: Senator Hi se, no.
25 REP. HARRISON: Mr. Chair?

1 SEN. HISE: Who's speaking?

2 REP. HARRISON: It's Representative
3 Harrison on the back row.

4 SEN. HISE: Ah, affirmative. Thank you
5 very much.

6 REP. HARRISON: May I be recorded as an
7 aye, please, on the amendment?

8 SEN. HISE: By a vote of 13 in favor, 24
9 against in the House. Four in favor, eight against
10 in the Senate, the amendment fails. The criteria
11 estimated is back before the committee. Any other
12 questions or comments? Senator Van Duyn?

13 SEN. VAN DUYN: I also have an amendment
14 to Number 5.

15 SEN. HISE: Okay.

16 SEN. VAN DUYN: And I believe it's been
17 prepared. Representative Lewis, I -- I think your
18 point about --

19 UNIDENTIFIED MEMBER: Mr. Chair, can we
20 hold until we get a copy of the amendment. Because
21 I don't see it up on the screen or --

22 SEN. HISE: Chairs will pass out -- the
23 Sergeant in Arms will pass out the amendments.

24 Senator Van Duyn, it's -- the opinion of
25 the Chair is that this is the same amendment that

1 was just submitted, but it's some wording changes,
2 but I will give you an opportunity to explain how
3 this is different from what we just decided.

4 SEN. VAN DUYN: Thank you very much, Mr.
5 Chair. Representative Lewis, I take your point
6 that two people might disagree about whether or not
7 a particular line is drawn for political advantage,
8 but I -- I do think we can agree about whether a
9 line needs to be moved in terms to meet the
10 requirements of population distribution. And all
11 I'm saying is that we agree that we will only split
12 a precinct if it is necessary for -- to achieve the
13 population requirements that we've already agreed
14 to.

15 SEN. LEE: Point of order, Mr. Chairman.
16 If I may --

17 SEN. HISE: Senator Lee?

18 SEN. LEE: It sounds like we're going in
19 and debating the substance of what we just debated.
20 I -- I thought the comment was, how is this
21 different than -- than what we just voted on, as
22 opposed to reliving the substance of what we just
23 debated.

24 SEN. HISE: That is what I gave her the
25 opportunity to explain, and Representative Lewis

1 would n' t speak. So we kind of have a joint -- two
2 commi ttees going here, so I'm going to make sure to
3 let hi m.

4 (Pause.)

5 SEN. HI SE: Okay. Thank you, Senator Van
6 Duyn. The opinion of the chair is the amendment is
7 functi onally equivalent to the previous amendment
8 submi tted and would be out of order as already
9 considered by the committee.

10 SEN. SMITH-INGRAM: Mr. Chair?

11 SEN. HI SE: Senator Smith-Ingram?

12 SEN. SMITH-INGRAM: I'd like to state my
13 objection to the ruling of the Chairs. This
14 amendment is clearly differential in that it does
15 not expressly recite the achievement of partisan
16 advantage.

17 SEN. HI SE: Thank you, Senator Van Duyn.
18 I'd -- probably would need to question under the
19 rules if that's an appeal to the decision of the
20 Chair.

21 SEN. SMITH-INGRAM: Yes.

22 SEN. HI SE: Okay. The clerk will call
23 the roll for the Senate.

24 UNIDENTIFIED MEMBER: Mr. Chairman. Mr.
25 Chairman, would you please explain how one needs to

1 vote to uphold the ruling of the chair so we do not
2 inadvertently vote the wrong way?

3 REP. MICHAUX: Mr. Chairman, they've been
4 voting the wrong way already, so why not let them
5 keep on doing it?

6 SEN. HISE: Thank you, members of the
7 committee. As it was a member of the Senate to
8 make the motion to overrule the Chair, it would be
9 a vote of the Senate to overrule the Chair. It was
10 specific to the Senate. Members of the Senate
11 would vote aye to overrule the Chair, no to not
12 overrule the Chair. Clerk will call the roll.

13 CLERK: Senator Bishop?

14 SEN. BISHOP: No.

15 CLERK: Senator Bishop, no. Senator
16 Blue? Senator Brown?

17 SEN. BROWN: No.

18 CLERK: Senator Brown, no. Senator
19 Clark?

20 SEN. CLARK: Aye.

21 CLERK: Senator Clark, aye. Senator
22 Daniel? Senator Harrington?

23 SEN. HARRINGTON: No.

24 CLERK: Senator Harrington, no. Senator
25 Jackson?

1 SEN. JACKSON: No.

2 CLERK: Senator Jackson, no. Senator

3 Lee?

4 SEN. LEE: No.

5 CLERK: Senator Lee, no. Senator Lowe?

6 SEN. LOWE: Aye.

7 CLERK: Senator Lowe, aye. Senator

8 Newton?

9 SEN. NEWTON: No.

10 CLERK: Senator Newton, no. Senator

11 Rabon? Senator Smith-Ingram?

12 SEN. SMITH-INGRAM: Aye.

13 CLERK: Senator Smith-Ingram, aye.

14 Senator Van Duyn?

15 SEN. VAN DUYN: Aye.

16 CLERK: Senator Van Duyn, aye. Senator

17 Wade?

18 SEN. WADE: No.

19 CLERK: Senator Wade, no. Senator Hi se?

20 SEN. HI SE: No.

21 CLERK: Senator Hi se, no.

22 SEN. HI SE: By a vote of 4 to 8, the

23 motion to overrule the Chair -- by a vote of 4 to

24 8, the motion to overrule the Chair fails. The

25 motion will be back before us to adopt criteria,

1 fewer split precincts. Representative Lewis, any
2 other comments?

3 REP. LEWIS: No, sir. I move the
4 adoption of the amendment -- the adoption of the
5 criteria as presented.

6 SEN. HISE: Representative Torbett and
7 the Chairs will move for the adoption of the
8 amendment. We will enter into a roll call vote
9 seeing no other questions or comments. We will --

10 UNIDENTIFIED MEMBER: Mr. Chairman, I
11 don't think it's the amendment, I think it's the
12 adoption.

13 SEN. HISE: You are correct. It is the
14 adoption of the criteria, fewer precincts split.
15 And I think this one was 5. It doesn't have a
16 number on the screen. So we will begin with a call
17 of the roll of the House. Thank you.

18 CLERK: Representative Jackson?

19 REP. JACKSON: No.

20 CLERK: Representative Jackson, no.
21 Representative Szoka?

22 REP. SZOKA: Aye.

23 CLERK: Representative Szoka, aye.
24 Representative Stevens?

25 REP. STEVENS: Aye.

1 CLERK: Representative Stevens, aye.
2 Representative Bell?
3 REP. BELL: Aye.
4 CLERK: Representative Bell, aye.
5 Representative Brawley?
6 REP. BRAWLEY: Aye.
7 CLERK: Representative Brawley, aye.
8 Representative Brockman?
9 REP. BROCKMAN: No.
10 CLERK: Representative Brockman, no.
11 Representative Burr?
12 REP. BURR: Aye.
13 CLERK: Representative Burr, aye.
14 Representative Davis? Representative Davis?
15 Representative Dixon?
16 REP. DIXON: Aye.
17 CLERK: Representative Dixon, aye.
18 Representative Dobson?
19 REP. DOBSON: Aye.
20 CLERK: Representative Dobson, aye.
21 Representative Dulin?
22 REP. DULIN: Aye.
23 CLERK: Representative Dulin, aye.
24 Representative Farmer-Butterfield?
25 REP. FARMER-BUTTERFIELD: No.

1 CLERK: Representati ve
2 Farmer-Butterfi el d, no. Representati ve Floyd?
3 Representati ve Floyd? Representati ve Garri son?
4 REP. GARRI SON: No.
5 CLERK: Representati ve Garri son, no.
6 Representati ve Gi ll ?
7 REP. GI LL: No.
8 CLERK: Representati ve Gi ll , no.
9 Representati ve Grange?
10 REP. GRANGE: Aye.
11 CLERK: Representati ve Grange, aye.
12 Representati ve Hal l ?
13 REP. HALL: Aye.
14 CLERK: Representati ve Hal l , aye.
15 Representati ve Hanes?
16 REP. HANES: No.
17 CLERK: Representati ve Hanes, no.
18 Representati ve Hardi ster?
19 REP. HARDI STER: Aye.
20 CLERK: Representati ve Hardi ster, aye.
21 Representati ve Harri son?
22 REP. HARRI SON: No.
23 CLERK: Representati ve Harri son, no.
24 Representati ve Hasti ngs?
25 REP. HASTI NGS: Aye.

1 CLERK: Representative Hastings, aye.
2 Representative Howard?
3 REP. HOWARD: Aye.
4 CLERK: Representative Howard, aye.
5 Representative Hunter?
6 REP. HUNTER: No.
7 CLERK: Representative Hunter, no.
8 Representative Hurlley?
9 REP. HURLEY: Aye.
10 CLERK: Representative Hurlley, aye.
11 Representative Johnson?
12 REP. JOHNSON: Aye.
13 CLERK: Representative Johnson, aye.
14 Representative Jones? Representative Jones?
15 Representative Jordan?
16 REP. JORDAN: Aye.
17 CLERK: Representative Jordan, aye.
18 Representative Malone?
19 REP. MALONE: Aye.
20 CLERK: Representative Malone, aye.
21 Representative Michaux?
22 REP. MI CHAUX: No.
23 CLERK: Representative Michaux, no.
24 Representative Moore? Representative Moore?
25 REP. MOORE: Nay.

1 CLERK: Representative Moore, no.
2 Representative Pierce?
3 REP. PIERCE: No.
4 CLERK: Representative Pierce, no.
5 Representative Reives?
6 REP. REIVES: No.
7 CLERK: Representative Reives, no.
8 Representative Willingham?
9 REP. WILLINGHAM: No.
10 CLERK: Representative Willingham, no.
11 Representative Speciale?
12 REP. SPECIALE: Aye.
13 CLERK: Representative Speciale, aye.
14 Representative Rogers?
15 REP. ROGERS: Aye.
16 CLERK: Representative Rogers, aye.
17 Representative Saine?
18 REP. SAINÉ: Aye.
19 CLERK: Representative Saine, aye.
20 Representative Wray?
21 REP. WRAY: No.
22 CLERK: Representative Wray, no.
23 Representative Yarborough?
24 REP. YARBOROUGH: Aye.
25 CLERK: Representative Yarborough, aye.

1 Representati ve Torbett?

2 REP. TORBETT: Aye.

3 CLERK: Representati ve Torbett, aye.

4 Representati ve Lewi s?

5 REP. LEWI S: Aye.

6 CLERK: Aye. Representati ve Doll ar?

7 REP. DOLLAR: Aye.

8 CLERK: Aye. Representati ve Doll ar, aye.

9 SEN. HI SE: Clerk wi ll call the roll for
10 the Senate.

11 CLERK: Senator Bi shop?

12 SEN. BI SHOP: Aye.

13 CLERK: Senator Bi shop, aye. Senator

14 Bl ue? Senator Brown?

15 SEN. BROWN: Aye.

16 CLERK: Senator Brown, aye. Senator

17 Cl ark?

18 SEN. CLARK: No.

19 CLERK: Senator Cl ark, no. Senator

20 Dani el ? Senator Harri ngton?

21 SEN. HARRINGTON: Aye.

22 CLERK: Senator Harri ngton, aye. Senator

23 Jackson?

24 SEN. JACKSON: Aye.

25 CLERK: Senator Jackson, aye. Senator

1 Lee?

2 SEN. LEE: Aye.

3 CLERK: Senator Lee, aye. Senator Lowe?

4 SEN. LOWE: No.

5 CLERK: Senator Lowe, no. Senator

6 Newton?

7 SEN. NEWTON: Aye.

8 CLERK: Senator Newton, aye. Senator

9 Rabon? Senator Smith-Ingram?

10 SEN. SMITH-INGRAM: No.

11 CLERK: Senator Smith-Ingram, no.

12 Senator Van Duyn?

13 SEN. VAN DUYN: No.

14 CLERK: Senator Van Duyn, no. Senator

15 Wade?

16 SEN. WADE: Aye.

17 CLERK: Senator Wade, aye. Senator Hise?

18 SEN. HISE: Aye.

19 CLERK: Senator Hise, aye.

20 SEN. HISE: By a vote in the House of 24
21 to 14 and a vote in the Senate of 8 to 4, Criteria
22 5, as submitted, is adopted, fewer split precincts
23 by the committee.

24 Members, we will now go to -- back to
25 proposed criteria number 6, municipal boundaries.

1 I will have an amendment. Before we get into it, I
2 want to quickly state that if you have a proposed
3 amendment for any of the criteria -- they have been
4 submitted to everyone this morning -- I would ask
5 that you get with staff now and have that drafted
6 in this process so that, as we go forward in the
7 future, we don't have to displace a criteria and
8 can go ahead move through the time-cumbersome
9 process. So, that being said, it was submitted by,
10 I can't read that signature. So who submitted?
11 Senator Clark, you're recognized to explain your
12 amendment.

13 SEN. CLARK: Thank you, Mr. Chair.
14 Committee members, what this does is exactly what
15 Representative Lewis indicated that he'd be willing
16 to do. It just puts it in writing. He indicated
17 that if we came to him with concerns about
18 communities of interest, that the committee may
19 consider those. And that's what this particular
20 amendment says, it says that if a member of this
21 body comes forward with a community of interest
22 that they can specifically categorize, that the
23 committee may consider them.

24 SEN. HISE: Representative Lewis?

25 REP. LEWIS: Thank you, Mr. Chairman, and

1 thank you, Senator Clark, for sending forward the
2 amendment. I don't believe that I can have a
3 hard-and-fast definition of what a community of
4 interest is. I think your -- the way you've
5 drafted the amendment is artful and points out that
6 what I may consider a community of interest, you
7 may not, which means it is appropriate, once the
8 map is drawn, to discuss amendments to the map in
9 which you can discuss specific communities of
10 interest. I don't believe it belongs in this
11 criteria and would ask members to vote it down.

12 SEN. HISE: Other questions or comments?
13 Seeing none, we will move into a vote on the --
14 Senator Clark has moved to amend the criteria, as
15 identified. We will begin with a call of the roll
16 of the Senate.

17 CLERK: Senator Bishop?

18 SEN. BISHOP: No.

19 CLERK: Senator Bishop, no. Senator
20 Blue? Senator Brown?

21 SEN. BROWN: No.

22 CLERK: Senator Brown, no. Senator
23 Clark?

24 SEN. CLARK: Aye.

25 CLERK: Senator Clark, aye. Senator

1 Dani el ? Senator Harri ngton?
2 SEN. HARRINGTON: No.
3 CLERK: Senator Harrington, no. Senator
4 Jackson?
5 SEN. JACKSON: No.
6 CLERK: Senator Jackson, no. Senator
7 Lee?
8 SEN. LEE: No.
9 CLERK: Senator Lee, no. Senator Lowe?
10 SEN. LOWE: Aye.
11 CLERK: Senator Lowe, aye. Senator
12 Newton?
13 SEN. NEWTON: No.
14 CLERK: Senator Newton, no. Senator
15 Rabon? Senator Smi th-Ingram?
16 SEN. SMITH-INGRAM: Aye.
17 CLERK: Senator Smi th-Ingram, aye.
18 Senator Van Duyn?
19 SEN. VAN DUYN: Aye.
20 CLERK: Senator Van Duyn, aye. Senator
21 Wade?
22 SEN. WADE: No.
23 CLERK: Senator Wade, no. Senator Hi se?
24 SEN. HI SE: No.
25 CLERK: Senator Hi se, no.

1 SEN. HISE: Call the roll of the House.
2 CLERK: Representative Jackson?
3 REP. JACKSON: Yes.
4 CLERK: Jackson, aye. Representative
5 Szoka?
6 REP. SZOKA: No.
7 CLERK: Szoka, no. Representative
8 Stevens?
9 REP. STEVENS: No.
10 CLERK: Stevens, no. Representative
11 Bell? Representative Bell? Representative
12 Brawley?
13 REP. BRAWLEY: No.
14 CLERK: Brawley, no. Representative
15 Brockman?
16 REP. BROCKMAN: Yes.
17 CLERK: Brockman, aye. Representative
18 Burr?
19 REP. BURR: No.
20 CLERK: Burr, no. Representative Davis?
21 Davis? Representative Dixon?
22 REP. DIXON: No.
23 CLERK: Dixon, no. Representative
24 Dobson?
25 REP. DOBSON: No.

1 CLERK: Dobson, no. Representative
2 Dul in?
3 REP. DULIN: No.
4 CLERK: Dul in, no. Representative
5 Farmer-Butterfi el d?
6 REP. FARMER-BUTTERFIELD: Aye.
7 CLERK: Farmer-Butterfi el d, aye.
8 Representative Floyd? Representative Floyd?
9 Representative Garri son?
10 REP. GARRI SON: Aye.
11 CLERK: Garri son, aye. Representative
12 Gi ll ?
13 REP. GILL: Aye.
14 CLERK: Gi ll , aye. Representative
15 Grange?
16 REP. GRANGE: No.
17 CLERK: Grange, no. Representative Hall ?
18 REP. HALL: No.
19 CLERK: Hall , no. Representative Hanes?
20 REP. HANES: Yes.
21 CLERK: Hanes, aye. Representative
22 Hardi ster?
23 REP. HARDI STER: No.
24 CLERK: Hardi ster, no. Representative
25 Harri son?

1 REP. HARRISON: Aye.
2 CLERK: Harrison, aye. Representative
3 Hastings?
4 REP. HASTINGS: No.
5 CLERK: Hastings, no. Representative
6 Howard?
7 REP. HOWARD: No.
8 CLERK: Howard, no. Representative
9 Hunter?
10 REP. HUNTER: Aye.
11 CLERK: Hunter, aye. Representative
12 Johnson?
13 REP. JOHNSON: No.
14 CLERK: Johnson, no. Representative
15 Jones? Representative Jordan?
16 REP. JORDAN: No.
17 CLERK: Jordan, no. Representative
18 Malone?
19 REP. MALONE: No.
20 CLERK: Malone, no. Representative
21 Michaux?
22 REP. MI CHAUX: Aye.
23 CLERK: Michaux, aye. Representative
24 Moore?
25 REP. MOORE: Yes.

1 CLERK: Moore, aye. Representative
2 Pi erce?
3 REP. PIERCE: Aye.
4 CLERK: Pi erce, aye. Representative
5 Rei ves?
6 REP. REIVES: Aye.
7 CLERK: Rei ves, aye. Representative
8 Wi lli ngham?
9 REP. WILLINGHAM: Aye.
10 CLERK: Wi lli ngham, aye. Representative
11 Speci al e?
12 REP. SPECIALE: No.
13 CLERK: Speci al e, no. Representative
14 Rogers?
15 REP. ROGERS: No.
16 CLERK: Rogers, no. Representative
17 Sai ne?
18 REP. SAINÉ: No.
19 CLERK: Sai ne, no. Representative Wray?
20 REP. WRAY: Aye.
21 CLERK: Wray, aye. Representative
22 Yarborough?
23 REP. YARBOROUGH: No.
24 CLERK: Yarborough, no. Representative
25 Torbett?

1 REP. TORBETT: No.

2 CLERK: Torbett, no. Representative

3 Hurl ey?

4 REP. HURLEY: No.

5 CLERK: Hurley, no. Representative Bell?

6 REP. BELL: No.

7 CLERK: Bell, no. Representative Lewis?

8 REP. LEWIS: No.

9 CLERK: Lewis, no. Representative

10 Dollar?

11 REP. DOLLAR: No.

12 CLERK: Dollar, no.

13 SEN. HISE: By a vote of 4 to 8 in the
14 Senate and by a vote of 14 to 24 in the House, the
15 motion fails. The Criteria Number 6, municipal
16 boundaries, is back before the committee.

17 Representative Dollar?

18 REP. DOLLAR: Motion to approve the
19 criteria.

20 SEN. HISE: The chairmen have moved for
21 the approval of the criteria. Any other comments
22 or discussions? Seeing none. Clerk will begin
23 with the call of the roll of the House.

24 CLERK: Representative Jackson?

25 REP. JACKSON: No.

1 CLERK: Representative Jackson, no.

2 Representative Szoka?

3 REP. SZOKA: Aye.

4 CLERK: Representative Szoka, aye.

5 Representative Stevens?

6 REP. STEVENS: Aye.

7 CLERK: Representative Stevens, aye.

8 Representative Bell?

9 REP. BELL: Aye.

10 CLERK: Representative Bell, aye.

11 Representative Brawley?

12 REP. BRAWLEY: Brawley, aye.

13 CLERK: Representative Brawley, aye.

14 Representative Brockman?

15 REP. BROCKMAN: No.

16 CLERK: Representative Brockman, no.

17 Representative Burr?

18 REP. BURR: Aye.

19 CLERK: Representative Burr, aye.

20 Representative Davis? Representative Davis?

21 Representative Dixon?

22 REP. DIXON: Aye.

23 CLERK: Representative Dixon, aye.

24 Representative Dobson?

25 REP. DOBSON: Aye.

1 CLERK: Representative Dobson, aye.
2 Representative Dulin?
3 REP. DULIN: Aye.
4 CLERK: Representative Dulin, aye.
5 Representative Farmer-Butterfield?
6 REP. FARMER-BUTTERFIELD: No.
7 CLERK: Representative
8 Farmer-Butterfield, no. Representative Floyd?
9 Representative Floyd? Representative Garrison?
10 REP. GARRISON: No.
11 CLERK: Representative Garrison, no.
12 Representative Gill?
13 REP. GILL: No.
14 CLERK: Representative Gill, no.
15 Representative Grange?
16 REP. GRANGE: Aye.
17 CLERK: Representative Grange, aye.
18 Representative Hall?
19 REP. HALL: Aye.
20 CLERK: Representative Hall, aye.
21 Representative Hanes?
22 REP. HANES: No.
23 CLERK: Representative Hanes, no.
24 Representative Hardister?
25 REP. HARDISTER: Aye.

1 CLERK: Representative Hardister, aye.

2 Representative Harrison?

3 REP. HARRISON: No.

4 CLERK: Representative Harrison, no.

5 Representative Hastings?

6 REP. HASTINGS: Aye.

7 CLERK: Representative Hastings, aye.

8 Representative Howard?

9 REP. HOWARD: Aye.

10 CLERK: Representative Howard, aye.

11 Representative Hunter?

12 REP. HUNTER: No.

13 CLERK: Representative Hunter, no.

14 Representative Hurlley?

15 REP. HURLEY: Aye.

16 CLERK: Representative Hurlley, aye.

17 Representative Johnson?

18 REP. JOHNSON: Aye.

19 CLERK: Representative Johnson, aye.

20 Representative Jones? Representative Jones?

21 Representative Jordan?

22 REP. JORDAN: Aye.

23 CLERK: Representative Jordan, aye.

24 Representative Malone?

25 REP. MALONE: Aye.

1 CLERK: Representati ve Mal one, aye.

2 Representati ve Mi chaux?

3 REP. MI CHAUX: No.

4 CLERK: Representati ve Mi chaux, no.

5 Representati ve Moore?

6 REP. MOORE: No.

7 CLERK: Representati ve Moore, no.

8 Representati ve Pi erce?

9 REP. PI ERCE: No.

10 CLERK: Representati ve Pi erce, no.

11 Representati ve Rei ves?

12 REP. REI VES: No.

13 CLERK: Representati ve Rei ves, no.

14 Representati ve Wi l l i n g h a m ?

15 REP. WI L L I N G H A M : No.

16 CLERK: Representati ve Wi l l i n g h a m , no.

17 Representati ve Speci al e?

18 REP. SPECI ALE: Aye.

19 CLERK: Representati ve Speci al e, aye.

20 Representati ve Rogers?

21 REP. ROGERS: Aye.

22 CLERK: Representati ve Rogers, aye.

23 Representati ve Sai ne?

24 REP. SAI NE: Aye.

25 CLERK: Representati ve Sai ne, aye.

1 Representative Wray?

2 REP. WRAY: No.

3 CLERK: Representative Wray, no.

4 Representative Yarborough?

5 REP. YARBOROUGH: Aye.

6 CLERK: Representative Yarborough, aye.

7 Representative Torbett?

8 REP. TORBETT: Aye.

9 CLERK: Representative Torbett, aye.

10 Representative Lewis?

11 REP. LEWIS: Aye.

12 CLERK: Representative Lewis, aye.

13 Representative Dollar?

14 REP. DOLLAR: Aye.

15 CLERK: Representative Dollar, aye.

16 SEN. HISE: Clerk, call the roll of the
17 Senate.

18 CLERK: Senator Bishop?

19 SEN. BISHOP: Aye.

20 CLERK: Senator Bishop, aye. Senator

21 Blue? Senator Brown?

22 SEN. BROWN: Aye.

23 CLERK: Senator Brown, aye. Senator

24 Clark?

25 SEN. CLARK: No.

1 CLERK: Senator Clark, no. Senator
2 Daniel? Senator Harrington?
3 SEN. HARRINGTON: Aye.
4 CLERK: Senator Harrington, aye. Senator
5 Jackson?
6 SEN. JACKSON: Aye.
7 CLERK: Senator Jackson, aye. Senator
8 Lee?
9 SEN. LEE: Aye.
10 CLERK: Senator Lee, aye. Senator Lowe?
11 SEN. LOWE: No.
12 CLERK: Senator Lowe, no. Senator
13 Newton?
14 SEN. NEWTON: Aye.
15 CLERK: Senator Newton, aye. Senator
16 Rabon? Senator Smith-Ingram?
17 SEN. SMITH-INGRAM: No.
18 CLERK: Senator Smith-Ingram, no.
19 Senator Van Duyn?
20 SEN. VAN DUYN: No.
21 CLERK: Senator Van Duyn, no. Senator
22 Wade?
23 SEN. WADE: Aye.
24 CLERK: Senator Wade, aye. Senator Hise?
25 SEN. HISE: Aye.

1 CLERK: Senator Hi se, aye.

2 SEN. HI SE: By a vote of 24-14 in the
3 House and a vote of 8 to 4 in the Senate, the
4 proposed cri teri a on muni cipal boundari es is
5 considered adopted by the Commi ttee. Members
6 should now have Cri teri on Number 7, i ncumbency
7 protecti on. Representati ve Lewi s.

8 REP. LEWIS: Thank you, Mr. Chair man.
9 Thi s cri teri a reads, reasonable efforts and
10 poli tical considerations may be used to avoid
11 pai ring incumbent members of the House or Senate
12 wi th another incumbent in legi slative di stricts
13 drawn in 2017 House and Senate plans. The
14 Commi ttee may make reasonable efforts to ensure
15 voters have a reasonable opportuni ty to elect
16 non-pai red incumbents of either party to a di strict
17 in the 2017 House and Senate plans.

18 To speak on it briefly, since last week's
19 Commi ttee meeting, Senator Blue has written the
20 Chair s on the subject of cri teri a. In hi s letter,
21 he wri tes, "i ncumbency protecti on is not legall y
22 requi red in redi stricting, but it may be considered
23 as a secondary cri teri on after first ensurance" --
24 after first "ensuri ng", pardon me -- "compliance
25 wi th federal and state law."

1 The Chairs do not agree with all of
2 Senator Blue's letter, but we do agree with this
3 statement. I'll further add that the courts have
4 ruled that incumbency is a traditional
5 redistricting criteria, and I will urge members to
6 adopt this criteria. Happy to answer any
7 questions.

8 SEN. HISE: Representative Jackson.

9 REP. JACKSON: Thank you, Mr. Chairman.
10 I -- I don't have a question. I just have a
11 statement, if that's okay. I -- you -- you know,
12 this is -- the thing about redistricting that
13 really bothers me is that the court has now ruled
14 that the maps from 2011 were unconstitutional. At
15 the -- at the time, the partisan divide between --
16 in the House was 68-52, and by the use of
17 unconstitutional maps, the majority is now 74 to
18 46. So it seems just ridiculous to me that you
19 would get to now say we get to protect the members
20 that we were able to elect by using
21 unconstitutional maps.

22 What's more is that, you know, you --
23 you've addressed other criteria such as
24 municipalities and splitting precincts, but then
25 we're going to say that in order to protect the

1 incumbents, we can violate these other things that
2 we've done or -- other criteria that we've adopted.
3 And I just don't think incumbency protection has
4 any role in this, especially in this term. I think
5 it's unfair that we're -- that a majority obtained
6 by unconstitutional districts is now going to try
7 to be protected by using criteria like
8 redistricting, and so I would ask you to vote
9 against this.

10 SEN. HISE: Mr. Chairman.

11 REP. LEWIS: Thank you. I would like to
12 point out to the members that the Republican
13 majority was earned in 2010 when the voters elected
14 us in districts drawn by the Democrats. And that
15 is where the balance of legislative seats shifted
16 in those seats.

17 I would point out again that recognizing
18 the residences of incumbents is an -- is a
19 traditional principle. What does this mean? This
20 means that there may be two senators who live in
21 Durham less than a mile apart from each other. We
22 can certainly disregard their residences, if
23 that's what this Committee wishes to do. But I
24 think we are selling ourselves short if we don't
25 acknowledge, at least, that the residences of

1 people who have been elected in districts is a
2 relevant criteria to consider. I would urge
3 members to vote for this criteria.

4 SEN. SMITH-INGRAM: Thank you, Mr. Chair.
5 Representative Lewis, could you provide
6 clarification on the second sentence in this rule.
7 More specifically, what -- what is "a reasonable
8 opportunity to elect non-paired incumbents for
9 either party." What does that entail?

10 REP. LEWIS: Thank you very much for the
11 question, Senator. I can interpret it the way that
12 I interpret it, if that's okay. There will be --
13 and, in fact, I think the press has written about,
14 there will be pairings of incumbents that will not
15 be able to be avoided in the drawing of this map
16 because of other criteria. This is simply saying
17 that the map makers may take reasonable efforts to
18 not pair incumbents unduly.

19 SEN. SMITH-INGRAM: Follow-up.

20 SEN. HISE: Follow-up?

21 SEN. SMITH-INGRAM: Can you give me an
22 example of what that looks like with the non-paired
23 incumbents?

24 REP. LEWIS: Yes, ma'am. When I release
25 the map.

1 SEN. HISE: Senator Van Duyn.

2 SEN. VAN DUYN: I'd just like to make a
3 comment. And that is, whatever districts we draw,
4 they should represent the voters and not elected
5 officials. I just fundamentally believe that
6 incumbency should not be a criteria.
7 Traditionally, it may have been done that way, but
8 I think we're hearing clearly from the people of
9 North Carolina that they want that to change.

10 SEN. HISE: Any other questions or
11 comments? Senator Brown.

12 SEN. BROWN: Thank you, Mr. Chairman.
13 Representative Lewis, it's -- the -- the other
14 criteria that mostly has already been adopted will
15 address this issue pretty much anyway. Because the
16 grouping of the counties -- that criteria alone
17 will group existing members against each other, and
18 there's no way around that. I think what you're
19 talking about -- I think you used an example in
20 Durham County, you know, where maybe there's a way
21 that you might -- can work though that situation.
22 But again, I think the criteria is going to group
23 certain members against certain members, and that
24 will be pretty much the way it is. I think the way
25 that it's worded -- that it's when practicable.

1 And so --

2 SEN. HISE: Thanks. Representative
3 Jackson.

4 REP. JACKSON: I had a question for
5 Chairman Lewis.

6 SEN. HISE: Thank you.

7 REP. JACKSON: Chairman Lewis, so I --
8 the way I -- the way I see it, you have -- you have
9 traditional redistricting criteria like federal
10 constitutional law that is the first criteria you
11 use, and then state constitutional law. And then
12 you have things like this, and I -- I wonder, when
13 you have something like incumbency protection and
14 then you also have protecting municipal lines, how
15 will the map drawer decide which one of those to
16 give priority to?

17 REP. LEWIS: Thank you for the question,
18 Representative Jackson. The answer is that we are
19 here today to adopt criteria that I can use in
20 working with the map drawer to bring a map back to
21 this Committee and back to the public for their
22 input; that we don't need to get into a may or
23 shall discussion again, but you simply do the best
24 that you can with the information that -- that you
25 have.

1 SEN. HISE: Representative Dollar.

2 REP. DOLLAR: For a motion, but Mr.

3 Chair, I would also observe it sounds like some
4 people are volunteering to be not -- not -- not to
5 be considered in that. Now, maybe that should be
6 noted. Mr. Chairman, I would make a motion to
7 adopt the incumbency protection criteria.

8 REP. LEWIS: Mr. Chairman, before we
9 vote, may I make one point for the record?

10 SEN. HISE: Go ahead.

11 REP. LEWIS: I also want to add to my
12 initial remarks on this criteria. Another member
13 in here declared that -- said that our districts
14 were declared illegal and that's what had produced
15 the majority. I would point out that the court has
16 ruled that 28 of the 170 districts are illegal, not
17 all of them.

18 SEN. HISE: Any other questions or
19 comments? Hearing none, Representative Dollar and
20 the Chairman move for the adoption of the proposed
21 criteria listed as Number 7, incumbency protection.
22 We'll begin with a call of the roll of the Senate.

23 CLERK: Senator Bishop.

24 SEN. BISHOP: Aye.

25 CLERK: Senator Bishop, aye. Senator

1 Bl ue. Senator Brown.
2 SEN. BROWN: Aye.
3 CLERK: Senator Brown, aye. Senator
4 Cl ark.
5 SEN. CLARK: No.
6 CLERK: Senator Cl ark, no. Senator
7 Dani el . Senator Harri ngton.
8 SEN. HARRINGTON: Aye.
9 CLERK: Senator Harri ngton, aye. Senator
10 Jackson.
11 SEN. JACKSON: Aye.
12 CLERK: Senator Jackson, aye. Senator
13 Lee.
14 SEN. LEE: Lee: Aye.
15 CLERK: Senator Lee, aye. Senator Lowe.
16 SEN. LOWE: No.
17 CLERK: Senator Lowe, no. Senator
18 Newton.
19 SEN. NEWTON: Aye.
20 CLERK: Senator Newton, aye. Senator
21 Raven. Senator Smi th-I ngram.
22 SEN. SMI TH-I NGRAM: No.
23 CLERK: Senator Smi th-I ngram, no.
24 Senator Van Duyn.
25 SEN. VAN DUYN: No.

1 CLERK: Senator Van Duyn, no. Senator
2 Wade.
3 SEN. WADE: Aye.
4 CLERK: Senator Wade, aye. Senator Hi se.
5 SEN. HI SE: Aye.
6 CLERK: Senator Hi se, aye.
7 SEN. HI SE: Call the roll of the House.
8 CLERK: Representative Jackson.
9 SEN. JACKSON: No.
10 CLERK: Representative Jackson, no.
11 Representative Szoka.
12 REP. SZOKA: Aye.
13 CLERK: Representative Zoka, aye.
14 Representative Stevens.
15 REP. STEVENS: Aye.
16 CLERK: Representative Stevens, aye.
17 Representative Bell.
18 REP. BELL: Aye.
19 CLERK: Representative Bell, aye.
20 Representative Brawley.
21 REP. BRAWLEY: Aye.
22 CLERK: Representative Brawley, aye.
23 Representative Brockman.
24 REP. BROCKMAN: No.
25 CLERK: Representative Brockman, no.

1 Representative Burr.

2 REP. BURR: Aye.

3 CLERK: Representative Burr, aye.

4 Representative Davis. Representative Davis.

5 Representative Dixon.

6 REP. DIXON: Aye.

7 CLERK: Representative Dixon, aye.

8 Representative Dobson.

9 REP. DOBSON: Aye.

10 CLERK: Representative Dobson, aye.

11 Representative Dulin.

12 REP. DULIN: Aye.

13 CLERK: Representative Dulin, aye.

14 Representative Farmer-Butterfield. Representative

15 Farmer-Butterfield.

16 REP. FARMER-BUTTERFIELD: No.

17 CLERK: Representative

18 Farmer-Butterfield, no. Representative Floyd.

19 Representative Floyd. Representative Garrison.

20 REP. GARRISON: No.

21 CLERK: Representative Garrison, no.

22 Representative Gill.

23 REP. GILL: No.

24 CLERK: Representative Gill, no.

25 Representative Grange.

1 REP. GRANGE: Aye.
2 CLERK: Representative Grange, aye.
3 Representative Hall.
4 REP. HALL: Aye.
5 CLERK: Representative Hall, aye.
6 Representative Hanes.
7 REP. HANES: No.
8 CLERK: Representative Hanes, no.
9 Representative Hardister.
10 REP. HARDISTER: Aye.
11 CLERK: Representative Hardister, aye.
12 Representative Harrison.
13 REP. HARRISON: No.
14 CLERK: Representative Harrison, no.
15 Representative Hastings.
16 REP. HASTINGS: Aye.
17 CLERK: Representative Hastings, aye.
18 Representative Howard.
19 REP. HOWARD: Aye.
20 CLERK: Representative Howard, aye.
21 Representative Hunter.
22 REP. HUNTER: No.
23 CLERK: Representative Hunter, no.
24 Representative Johnson.
25 REP. JOHNSON: Aye.

1 CLERK: Representati ve Johnson, aye.
2 Representati ve Jones. Representati ve Jones.
3 Representati ve Jordan. Representati ve Jordan.
4 REP. JORDAN: Aye.
5 CLERK: Representati ve Jordan, aye.
6 Representati ve Mal one.
7 REP. MALONE: Aye.
8 CLERK: Representati ve Mal one, aye.
9 Representati ve Mi chaux.
10 REP. MI CHAUX: No.
11 CLERK: Representati ve Mi chaux, no.
12 Representati ve Moore.
13 REP. MOORE: No.
14 CLERK: Representati ve Moore, no.
15 Representati ve Pi erce.
16 REP. PI ERCE: No.
17 CLERK: Representati ve Pi erce, no.
18 Representati ve Rei ves.
19 REP. REIVES: No.
20 CLERK: Representati ve Rei ves, no.
21 Representati ve Wi lli ngham.
22 REP. WI LLI NGHAM: No.
23 CLERK: Representati ve Wi lli ngham, no.
24 Representati ve Speci al e.
25 REP. SPECIALE: Aye.

1 CLERK: Representative Speciale, aye.

2 Representative Rogers.

3 REP. ROGERS: Aye.

4 CLERK: Representative Rogers, aye.

5 Representative Saine.

6 REP. SAINÉ: Aye.

7 CLERK: Representative Saine, aye.

8 Representative Wray.

9 REP. WRAY: No.

10 CLERK: Representative Wray, no.

11 Representative Yarborough.

12 REP. YARBOROUGH: Aye.

13 CLERK: Representative Yarborough, aye.

14 Representative Torbett.

15 REP. TORBETT: Aye.

16 CLERK: Representative Torbett, aye.

17 Representative Hurlley.

18 REP. HURLEY: Aye.

19 CLERK: Representative Hurlley, aye.

20 Representative Lewis.

21 REP. LEWIS: Aye.

22 CLERK: Representative Lewis, aye.

23 Representative Dollar.

24 REP. DOLLAR: Aye.

25 CLERK: Representative Dollar, aye.

1 SEN. HISE: 8 having voted in favor in
2 the Senate, 4 against. 24 in favor in the House
3 and 14 against. Criteria listed as Number 7,
4 incumbency protection, is adopted by the Committee.
5 Next in front of me, ladies and gentlemen, we have
6 criteria listed as Number 8, election data.

7 REP. LEWIS: Mr. Chairman.

8 SEN. HISE: Representative Lewis.

9 REP. LEWIS: Thank you. Mr. Chairman,
10 this criteria reads, election data. Political
11 consideration and election results data may be used
12 in drawing up legislative districts in 2017 House
13 and Senate plans. I believe this is pretty
14 self-explanatory, and I would urge members to adopt
15 the criteria.

16 SEN. CLARK: Thank you, Mr. Chair. In
17 our previous Committee meeting, I asked that for
18 each map that was brought forward for consideration
19 that an efficiency gap analysis be conducted. Are
20 we going to be able to do that?

21 SEN. HISE: Representative Lewis?

22 REP. LEWIS: Thank you for that question,
23 Senator Clark. Let me make a few points on the
24 efficiency gap, if I can. First of all, the
25 article that talks about the efficiency gap, which

1 is entitled, I believe, "Partisan Gerrymandering
2 and Efficiency Gap" by Stephanopoulos and McGhee,
3 proposes the use of an efficiency gap concept that
4 is yet to be peer-reviewed by any other legal or
5 academic scholars. Further, I think it's important
6 to point out that the efficiency gap itself is
7 designed to measure election results, and it is
8 based on past election results. It's very hard,
9 and -- and I did read your letter closely -- I
10 would think it would be disingenuous to try to
11 create proxy election results in order to try to
12 measure an efficiency gap.

13 Further, I think it's important to
14 understand that if you buy into, if you will, the
15 efficiency gap criteria, we would actually be
16 moving away from our current system of government
17 to a -- a European-style parliamentary system. I
18 further believe that the use of this criteria would
19 require the legislature to severely gerrymander in
20 order to dictate a predetermined outcome and that
21 drawing would require the legislature to reject
22 Constitutionally-required redistricting criteria,
23 such as the county-grouping formula.

24 I say all that to say that I do not
25 believe that the efficiency gap; one, can be

1 applied prospectively as it has been written about;
2 two, I reject the argument that an efficiency gap
3 test is a necessary or needed thing. I do not
4 believe that anyone's vote is wasted, which is the
5 premise that the efficiency gap operates on.

6 So with that said, you could certainly
7 request, once the maps were drawn, any type of
8 report that you wanted to do, but it would not --
9 it is not contemplated by me that an efficiency gap
10 would be run on the map that is initially presented
11 to this Committee.

12 SEN. HISE: Senator Clark?

13 SEN. CLARK: Thank you, Mr. Chair. First
14 of all, efficiency gaps can be calculated
15 prospectively. There are a lot of articles out
16 there regarding the efficiency gap. And secondly,
17 the capability to do so does exist. And then also,
18 with regard to the notion of the wasted votes,
19 that's not -- it's not implying that an
20 individual's vote is wasted. What is being
21 indicated is that the distribution of those votes
22 through gerrymandering devalues the votes of the
23 citizens, and that is something we should not be
24 doing. So if we're not going to use methods such
25 as the efficiency gap, what method are we going to

1 use to ensure partisan symmetry? And then what
2 would we do with this political -- political data
3 that you plan on collecting?

4 REP. LEWIS: Thank you for the question.
5 The criteria says that election results may be used
6 in drawing. We are not going to ensure the outcome
7 of anything one way or the other.

8 SEN. CLARK: Mr. Chair?

9 SEN. HISE: A follow-up, I'm assuming?

10 SEN. CLARK: I'm still not clear on that
11 response. You're going to collect the political
12 data. What specifically would the Committee do
13 with it?

14 REP. LEWIS: The -- thank you for the
15 question. The answer is, the Committee could look
16 at the political data as evidence to how, perhaps,
17 votes have been cast in the past. It is important
18 though, Senator -- you and I have severe
19 disagreements on very few things, but the
20 efficiency gap is one of them. I would encourage
21 anyone who is listening to this who is interested
22 in it to review it and to review the 2016 election
23 for the General Assembly for the House, and you
24 will find out that, based on the article that is
25 written, there is no efficiency gap under the plans

1 that have been struck down. So I have a real
2 concern and I'm not sure -- again, a test which
3 purely analyzes past election results to determine
4 if there are wasted votes or if there is an
5 efficiency issue, can be done prospectively.

6 SEN. HISE: Senator Clark.

7 SEN. CLARK: I guess I disagree with you
8 on the results of using the efficiency gap analysis
9 as any member should desire. I can provide you
10 with my calculations that I have done myself using
11 Microsoft Excel and -- and their -- they tell a
12 different story, and, as a matter of fact, I had
13 the process vetted by the UNC School of Government,
14 and I'd be more than happy to distribute that and
15 discuss it with anyone that's willing to review
16 that with me.

17 And also, back to the wasted votes
18 analysis, like I said, that's not an indication
19 that an individual has wasted their vote by
20 exercising their constitutional right. That speaks
21 of the fact that the votes are being distributed in
22 a way that benefit the majority party and if you --
23 I'm sure you read, when you read Stephanopoulos'
24 material, that you saw that, for the most part, any
25 particular plan that had an efficiency gap

1 exceeding 8 percent, they fell about 1.5 percent
2 outside of the mean and that was a rarity. As a
3 matter of fact, I think only about 12 percent of
4 the legislative plans over the last 50 years had
5 efficiency gaps that high.

6 SEN. HISE: Senator Smith-Ingram.

7 SEN. SMITH-INGRAM: Thank you, Mr. Chair.
8 Chair Lewis, would you be able to provide a
9 representative list of three to four items entailed
10 with political considerations and election results
11 data?

12 REP. LEWIS: Mr. Chairman, I apologize,
13 and Senator, I didn't understand your question.

14 SEN. SMITH-INGRAM: Okay. So I'm asking
15 for examples. What would be some examples of the
16 political considerations that are going to
17 utilized, as well as, can you give me a list of
18 three to four items or considerations that will
19 fall under using elections results data?

20 REP. LEWIS: May I give you ten?

21 SEN. SMITH-INGRAM: Sure.

22 REP. LEWIS: Thank you. The 2010 US
23 Senate race, the 2012 race for President, the 2012
24 race for Governor, the 2012 race for Lieutenant
25 Governor, the 2016 race for US Senate, 2016 race

1 for President, 2016 race for US Senate, 2016 race
2 for Governor, 2016 race for Lieutenant Governor and
3 2016 race for Attorney General .

4 SEN. SMITH-INGRAM: Thank you. Follow
5 up. Thank you, Mr. Chair. That answers my
6 questions as it relates to the election results
7 data. Can you provide a representative list of
8 what is considered under political considerations?
9 Can you define that or give me the parameters of
10 what those items could include?

11 REP. LEWIS: Well, ma'am, political
12 considerations simply are historical
13 representations of past voting performance.

14 SEN. HISE: Follow-up?

15 SEN. SMITH-INGRAM: Does the leadership
16 have a goal of maintaining the current partisan
17 advantage in the House and the Senate? Is that
18 considered political consideration?

19 REP. LEWIS: Representative [sic], thank
20 you for the question. The -- the leadership has no
21 such goal .

22 SEN. SMITH-INGRAM: Last follow-up.

23 SEN. HISE: Final follow-up.

24 SEN. SMITH-INGRAM: So for clarification
25 on what you just said, Chair Lewis, partisan

1 advantage is not going to fall under the category
2 of political considerations.

3 REP. LEWIS: Well, ma'am, I'm -- again,
4 I'm trying to think about how to answer your
5 question differently than I did before. Again, the
6 entire process of where lines are drawn, every
7 result from where a line is drawn will be an
8 inherently political thing. I am saying that
9 redistricting in itself is an inherently political
10 process. It is right and relevant to review past
11 performance in drawing districts, so I -- I'm sorry
12 if I'm not answering your question. I'm trying to
13 understand it as best I can.

14 SEN. HISE: Senator Clark.

15 SEN. CLARK: Thank you, Mr. Chair. You
16 indicated part of the political data that would be
17 evaluated would be the past elections, for the most
18 part; you identify quite a few. Now, you said
19 previously that they could provide no indication of
20 what might happen in the future. Otherwise, they
21 couldn't be used prospectively as we would do with
22 the efficiency gap calculations. So if you're not
23 going to use those results prospectively, and
24 you -- for what reason, you just want to take a
25 look at them and see what happened in the past, I

1 don't see how that can add value to anything if you
2 don't anticipate that they can inform you about
3 what might happen in the future.

4 REP. LEWIS: Senator, thank you for the
5 question. Again, I think the efficiency gap is --
6 seeks to somehow create some kind of
7 proportional -- proportionate representation thing,
8 and unless we're going to get to the point where we
9 have Prime Minister Moore and Lord Berger, I don't
10 see what -- that's relevant at this point.

11 SEN. HISE: Follow up.

12 SEN. CLARK: First of all, efficiency
13 gaps deals with single-member districts, which is
14 what do have in the United States of America. So
15 back to my other point, if we can't use --

16 REP. LEWIS: Excuse me, sir. I believe
17 the efficiency gap is a cumulative thing. That's
18 what the article says, which is how you apply it to
19 a state plan, which is how you and I both just
20 agreed that most state plans in the US fall
21 underneath it, including the 2016 plan in which the
22 House of Representatives of this state was elected.

23 SEN. CLARK: Okay. So clearly we're not
24 going to agree on the efficiency gap, so back to
25 the other point.

1 SEN. HISE: Follow-up.

2 SEN. CLARK: Sorry, Mr. Chair. Follow
3 up. Okay. You indicated that you were going to
4 look at election data, so that -- still these other
5 questions that I have. If you're not going to look
6 at the election data for the purpose of determining
7 prospectively what might happen and just want to
8 see what happened in the past, what good does
9 looking to see what happened in the past do us, if
10 we're not going to use it for what might happen in
11 the future?

12 REP. LEWIS: I believe that the
13 consideration of political data in terms of
14 election results is an established districting
15 criteria, and it's one that I propose that this
16 committee use in drawing the map.

17 SEN. HISE: Representative Dollar.

18 REP. DOLLAR: Mr. Chairman, I move the
19 adoption of the election data criteria.

20 SEN. HISE: Any other questions or
21 comments? Seeing none, Clerk will begin with the
22 call of the roll of the House.

23 CLERK: Representative Jackson.

24 REP. JACKSON: No.

25 CLERK: Representative Jackson, no.

1 Representative Szoka.

2 REP. SZOKA: Aye.

3 CLERK: Representative Szoka, aye.

4 Representative Stevens.

5 REP. STEVENS: Aye.

6 CLERK: Representative Stevens, aye.

7 Representative Bell.

8 REP. BELL: Aye.

9 CLERK: Representative Bell, aye.

10 Representative Brawley.

11 REP. BRAWLEY: Aye.

12 CLERK: Representative Brawley, aye.

13 Representative Brockman.

14 REP. BROCKMAN: No.

15 CLERK: Representative Brockman, no.

16 Representative Burr.

17 REP. BURR: Aye.

18 CLERK: Representative Burr, aye.

19 Representative Davis. Representative Davis.

20 Representative Dixon.

21 REP. DIXON: Aye.

22 CLERK: Representative Dixon, aye.

23 Representative Dobson.

24 REP. DOBSON: Aye.

25 CLERK: Representative Dobson, aye.

1 Representative Dulin.

2 REP. DULIN: Aye.

3 CLERK: Representative Dulin, aye.

4 Representative Farmer-Butterfield.

5 REP. FARMER-BUTTERFIELD: No.

6 CLERK: Representative

7 Farmer-Butterfield, no. Representative Floyd.

8 Representative Floyd. Representative Garrison.

9 REP. GARRISON: No.

10 CLERK: Representative Garrison, no.

11 Representative Gill.

12 REP. GILL: No.

13 CLERK: Representative Gill, no.

14 Representative Grange.

15 REP. GRANGE: Aye.

16 CLERK: Representative Grange, aye.

17 Representative Hall.

18 REP. HALL: Aye.

19 CLERK: Representative Hall, aye.

20 Representative Hanes.

21 REP. HANES: No.

22 CLERK: Representative Hanes, could you
23 please repeat that?

24 REP. HANES: No.

25 CLERK: Representative Hanes, no.

1 Representative Hardister.

2 REP. HARDISTER: Yes.

3 CLERK: Representative Hardister, aye.

4 Representative Harrison.

5 REP. HARRISON: No.

6 CLERK: Representative Harrison, no.

7 Representative Hastings.

8 REP. HASTINGS: Aye.

9 CLERK: Representative Hastings, aye.

10 Representative Howard.

11 REP. HOWARD: Aye.

12 CLERK: Representative Howard, aye.

13 Representative Hunter.

14 REP. HUNTER: No.

15 CLERK: Representative Hunter, no.

16 Representative Hurlley.

17 REP. HURLEY: Aye.

18 CLERK: Representative Hurlley, aye.

19 Representative Johnson.

20 REP. JOHNSON: Aye.

21 CLERK: Representative Johnson, aye.

22 Representative Jones. Representative Jones.

23 Representative Jordan.

24 REP. JORDAN: Aye.

25 CLERK: Representative Jordan, aye.

1 Representative Malone.

2 REP. MALONE: Aye.

3 CLERK: Representative Malone, aye.

4 Representative Michaux.

5 REP. MI CHAUX: No.

6 CLERK: Representative Michaux, no.

7 Representative Moore. Representative Moore.

8 Representative Pierce.

9 REP. PIERCE: No.

10 CLERK: Representative Pierce, no.

11 Representative Reives.

12 REP. REIVES: No.

13 CLERK: Representative Reives, no.

14 Representative Reives, no. Representative

15 Willingham.

16 REP. WILLINGHAM: No.

17 CLERK: Representative Willingham, no.

18 Representative Speciale.

19 REP. SPECIALE: Aye.

20 CLERK: Representative Speciale, aye.

21 Representative Rogers.

22 REP. ROGERS: Aye.

23 CLERK: Representative Rogers, aye.

24 Representative Saine.

25 REP. SAINÉ: Aye.

1 CLERK: Representative Saine, aye.

2 Representative Wray.

3 REP. WRAY: No.

4 CLERK: Representative Saine, no. Wray,
5 no. Representative Yarborough.

6 REP. YARBOROUGH: Aye.

7 CLERK: Representative Yarborough, aye.
8 Representative Torbett.

9 REP. TORBETT: Aye.

10 CLERK: Representative Torbett, aye.
11 Representative Lewis.

12 REP. LEWIS: Aye.

13 CLERK: Representative Lewis, aye.
14 Representative Dollar.

15 REP. DOLLAR: Aye.

16 CLERK: Representative Dollar, aye.

17 SEN. HISE: Committee clerk, call the
18 roll of the Senate members.

19 CLERK: Senator Bishop.

20 SEN. BISHOP: Aye.

21 CLERK: Senator Bishop, aye. Senator
22 Blue. Senator Brown.

23 SEN. BROWN: Aye.

24 CLERK: Senator Brown, aye. Senator
25 Clark.

1 SEN. CLARK: No.
2 CLERK: Senator Clark, no. Senator
3 Daniel. Senator Harrington.
4 SEN. HARRINGTON: Aye.
5 CLERK: Senator Harrington, aye. Senator
6 Jackson.
7 SEN. JACKSON: Aye.
8 CLERK: Senator Jackson, aye. Senator
9 Lee.
10 SEN. LEE: Aye.
11 CLERK: Senator Lee, aye. Senator Lowe.
12 SEN. LOWE: No.
13 CLERK: Senator Lowe, no. Senator
14 Newton.
15 SEN. NEWTON: Aye.
16 CLERK: Senator Newton, aye. Senator
17 Rabon. Senator Smith-Ingram.
18 SEN. SMITH-INGRAM: No.
19 CLERK: Senator Smith-Ingram, no.
20 Senator Van Duyn.
21 SEN. VAN DUYN: No.
22 CLERK: Senator Van Duyn, no. Senator
23 Wade.
24 SEN. WADE: Aye.
25 CLERK: Senator Wade, aye. Senator Hise.

1 SEN. HI SE: Aye.

2 CLERK: Senator Hi se, aye.

3 SEN. HI SE: By a vote of 24 to 13 in the
4 House and 8 to 4 in the Senate, Criteria Number 8,
5 election data is adopted by the criteria [sic].
6 Members, you will have in front of you now Criteria
7 Number 9. This is Number 9, no consideration of
8 racial data.

9 REP. LEWIS: Mr. Chairman?

10 SEN. HI SE: Representative Lewis.

11 REP. LEWIS: I propose the following
12 criteria that is No Consideration of Racial Data.
13 Data identifying the race of individuals or voters
14 shall not be used in drawing of legislative
15 districts in 2017 House and Senate plans. In 2011,
16 40 counties in this state were under the
17 preclearance standard, under Section 5 of the
18 Voting Rights Act. In the intervening time, that
19 preclearance from the Justice Department has been
20 lifted by the U.S. Supreme Court. It will not be
21 incumbent upon this General Assembly to seek
22 preclearance for these plans.

23 In drawing the current legislative
24 districts, the General Assembly conducted an
25 unprecedented effort to reach out to interested

1 parties, receive public input, receive expert
2 testimony and hear from members of this body about
3 evidence relevant for drawing districts under the
4 Voting Rights Act. Despite the voluminous record
5 that was established by the General Assembly during
6 the 2011 redistricting process, the three-judge
7 panel in the Covington case said that this did not
8 constitute substantial evidence that would justify
9 using race to draw districts in compliance with the
10 requirements of the VRA.

11 Therefore, we do not believe it is
12 appropriate, given the Court's order, in this case
13 for these committees to consider race when drawing
14 districts. Be happy to answer any questions.

15 SEN. HISE: Representative Michaux.

16 REP. MICHAUX: Yeah. Mr. Chairman, you
17 indicated that the Section 4 of the Voting Rights
18 Act was stricken down. It was in effect when
19 this -- when this redistricting was done initially.
20 It is not now. But the redistricting that you did
21 when it was in effect, the decision of the Court
22 came out that it was racial gerrymandering, after
23 the provision was stricken down. Is that correct?
24 After the provision in the -- in the Voting Rights
25 Act had been stricken, the decision that the -- you

1 did racial gerrymandering in 2011. Is that
2 correct?

3 REP. LEWIS: If I understood your
4 question, then chronologically, I believe Section 5
5 of the Voting Rights Act was stricken down --

6 REP. MICHAUX: No, no, no. It was
7 Section 4, but go ahead. 4 was stricken, which
8 made 5 ineffective. Now, go ahead.

9 REP. LEWIS: And the decision that this
10 Committee is here to react to was issued after that
11 time, yes.

12 REP. MICHAUX: Further question.

13 SEN. HISE: Follow-up.

14 REP. MICHAUX: So the decision of the
15 three-panel court in the Covington case indicated
16 that it was racial gerrymandering involved that
17 caused them to declare the districts
18 unconstitutional. Is that correct?

19 REP. LEWIS: It's my understanding the
20 wording they used was "improper use of race." I
21 don't believe they used the words racial
22 gerrymandering.

23 REP. MICHAUX: Well, they -- did they use
24 the words "racial demographic"?

25 REP. LEWIS: I don't recall, sir. I

1 don't have it before me.

2 REP. MICHAUX: Well, I have it before me
3 right here, and what I --

4 REP. LEWIS: Then you should have just
5 stated that. It would have saved a little time.

6 REP. MICHAUX: Do you understand that by
7 not using race, you're defeating your own purpose?
8 Because if the districts were declared
9 unconstitutional because of race, if you don't use
10 race to correct it, how are you going to show the
11 Court that they still are not unconstitutional?

12 REP. LEWIS: We believe that the court
13 order illustrates that we did not have sufficient
14 evidence to consider race in the drawing of
15 districts. I'm not aware of any additional
16 information that has been submitted by any member
17 of this Committee or anyone else since this
18 decision has come out. Therefore, it is my
19 recommendation that race not be a consideration in
20 drawing of these districts.

21 REP. MICHAUX: Another question.

22 SEN. HISE: Follow-up.

23 REP. MICHAUX: Would you agree that the
24 decision that came down in the Covington case
25 indicated that race was the predominant factor as

1 their reason for calling the districts
2 unconstitutional because of racial -- racial
3 demographics? If you want to put it that way.

4 REP. LEWIS: Sir, I've explained to you
5 my understanding of what the court order is. And I
6 am here today advocating that no race be considered
7 in drawing the districts. That is my understanding
8 of the court order. There's no other way I can
9 answer your question.

10 REP. MICHAUX: Another question.

11 REP. LEWIS: Probably the same answer.

12 REP. MICHAUX: How are you going to prove
13 to the Court that you did not violate their order
14 in terms of racial gerrymandering?

15 REP. LEWIS: It's my understanding that
16 the order speaks for itself in that the evidence
17 did not justify the use of race in drawing
18 districts. Therefore, I'm recommending to this
19 Committee that race not be a criteria in drawing
20 the 2017 House and Senate plans.

21 REP. MICHAUX: Mr. Chairman, I just have
22 a statement I want to make.

23 SEN. HISE: Comment.

24 REP. MICHAUX: Racial demographic --
25 demographic data can also be useful, because it can

1 signify whether race was a predominant factor
2 motivating the legislature's decision. That comes
3 directly from the Covington case.

4 You have been charged. What the Court
5 told you was that racial disparity, racial
6 demographics played a major role in the
7 redistricting that you did. You were ordered. You
8 are now ordered to correct that. In order to show
9 that you have corrected that, you cannot escape the
10 fact that race has to be in there somewhere.
11 There's no way you can do it, Mr. Lewis. I don't
12 care how you cut it.

13 REP. LEWIS: Race --

14 REP. MICHAUX: You've got -- you've got
15 to tell the Court, we came in and we went back and
16 used racial demographics from one place or another
17 place to correct the mistakes that we made in the
18 past.

19 REP. LEWIS: Sir, what I will tell the
20 Court is that the Committee adopted a criteria I
21 hope that excluded the consideration of race in
22 drawing the maps.

23 REP. MICHAUX: But may I follow -- I
24 just -- I'm -- I'm -- the -- you excluded race.
25 You are still saying you excluded race. You are

1 still using race as a factor, even by saying you
2 excluded race. So you've got to consider it
3 somewhere down the line in order to make the fact
4 that you excluded it relevant.

5 To you, it may be a play on words. But
6 there's a distinction there that you ought to
7 understand. That -- in other words, the Court says
8 if we go back to the way it was, where race was not
9 a predominant factor, then race still has to play.
10 Because there are people out there who are the --
11 are of a racial composure that have to be
12 considered in doing this. If not, you're still
13 short-changing race. You're still short-changing a
14 group of people by not considering them. And
15 that's where your big problem is. If you don't
16 consider us -- if you don't consider me, whether
17 you say it or not, you are still considering race.

18 REP. LEWIS: Mr. Chairman, I think the
19 gentleman is making a series of statements I
20 certainly don't intend to respond to, a series of
21 statements that I don't agree with.

22 SEN. HISE: Representative
23 Farmer-Butterfield.

24 REP. FARMER-BUTTERFIELD: Thank you, Mr.
25 Chair. I wanted to ask staff to tell us how this

1 cri teria relates to the obligation to comply with
2 Section 2 of the Voting Rights Act?

3 SEN. HISE: Questions are directed to the
4 Chairman of the Committee. Representative Lewis,
5 would you like to respond, or would you like to
6 have staff -- staff tends not to respond to intent,
7 further-going. But I will let them see what
8 statements they may want to make.

9 REP. FARMER-BUTTERFIELD: I think I need
10 a legal opinion, that's all. Thank you.

11 MS. CHURCHILL (STAFF): Representative
12 Farmer-Butterfield, I think we would need some time
13 to reflect upon that. But generally, I think what
14 you are trying to ask about is Section 2 of the
15 Voting Rights Act of 1965. And, generally, that
16 burden is placed on the voter or the person
17 bringing the suit. It would not be placed on the
18 legislature enacting the plan.

19 SEN. HISE: Representative Jackson.

20 REP. JACKSON: Thank you, Mr. Chairman.
21 I'll just -- I'm going to just read from the
22 conclusion of the Court. Because that's not the
23 way the Court wrote it in the Covington opinion.
24 Court said that Section 2 of the Voting Rights Act
25 continues to play an important role in

1 redistricting. And legislatures must undertake a
2 specific -- specific -- a district-specific
3 analysis to identify and cure potential Section 2
4 violations. So the Court, at least, has put that
5 requirement on us.

6 Further, the Court said, our decision
7 today should in no way be read to imply that
8 majority-black districts are no longer needed in
9 the state of North Carolina. And I just -- I
10 don't -- don't see this criteria as matching up
11 with what the Court concluded in the Covington
12 case. And so I would encourage members to vote
13 against this criteria.

14 SEN. HISE: Yeah. Senator Smith-Ingram.

15 SEN. SMITH-INGRAM: Thank you, Mr. Chair.
16 Chair Lewis, if this particular criterion passes,
17 then what metric is going to be used to ensure that
18 the new districts do not abridge or deny voters of
19 color?

20 REP. LEWIS: Ma'am, what I can tell you
21 is, I believe, in 2011, this General Assembly
22 sought out and received input from every source
23 that was willing to work with us in expert
24 testimony and did its best, at that time, to comply
25 with the instructions and advice that we received.

1 That being said, the Covington court,
2 it's my understanding, has said that we did not
3 have a sufficient amount of data in order to draw
4 the districts as they were drawn. No one, to my
5 knowledge, has submitted additional data for this
6 Committee to review. Therefore, this criteria
7 would propose that race would not be a
8 consideration in the drawing of the maps.

9 SEN. SMITH-INGRAM: Follow-up.

10 SEN. HISE: Follow-up.

11 SEN. SMITH-INGRAM: Is there a metric
12 that can be used to ensure that voters of color are
13 not disenfranchised or that their rights are not
14 abridged?

15 REP. LEWIS: Ma'am, thank you for the
16 question. Again, I would refocus this conversation
17 on the criteria that the Chairs will take back and
18 execute the undertaking of the first map. If there
19 is additional data that you or other members of the
20 Committee would like to see reviewed, if there are
21 additional maps, if there are other things that you
22 would like us to consider, once it's done, then we
23 will certainly be glad to do that. Again, we will
24 not be using race in the drawing of the additional.

25 SEN. HISE: Representative Dollar.

1 REP. DOLLAR: Mr. Chairman, I move the
2 adoption of the criteria.

3 SEN. HISE: Representative Dollar has
4 moved the adoption of the proposed Criteria Number
5 9, No Consideration of Racial Data. Any other
6 comments or questions?

7 REP. LEWIS: Mr. Chairman, there is one
8 additional comment, please?

9 SEN. HISE: You are so recognized.

10 REP. LEWIS: Just wanted to respond to my
11 friend from Wake, Representative Jackson. We do
12 not believe, in light of the Covington opinion,
13 that there is substantial evidence in the record to
14 justify the use of race in drawing districts.
15 Given the Court's order in this case, we believe
16 the only way to comply with the legal requirements
17 regarding the drawing of districts is not to
18 consider race in that process.

19 SEN. HISE: Okay. Now back to Senator
20 Lowe.

21 SEN. LOWE: Yes, I do have a statement.

22 SEN. HISE: Recognized for a comment.

23 SEN. LOWE: Thank you, sir. And that is,
24 we live in the South. When in the South has race
25 not been a factor? Because what I'm hearing

1 doesn't really add up.

2 REP. LEWIS: Mr. Chairman, I'd point out
3 that the gentleman said that was a statement. And
4 I certainly took him at his word that that was a
5 statement.

6 SEN. HISE: Any other comments or
7 questions? Seeing none, we will begin, then, for
8 consideration of this, the roll call of the Senate
9 members.

10 CLERK: Senator Bishop?

11 SEN. BISHOP: Aye.

12 CLERK: Senator Bishop, aye. Senator
13 Blue? Senator Brown?

14 SEN. BROWN: Aye.

15 CLERK: Senator Brown, aye. Senator
16 Clark?

17 SEN. CLARK: No.

18 CLERK: Senator Clark, no. Senator
19 Daniel? Senator Harrington?

20 SEN. HARRINGTON: Aye.

21 CLERK: Senator Harrington, aye. Senator
22 Jackson?

23 SEN. JACKSON: Aye.

24 CLERK: Senator Jackson, aye. Senator
25 Lee?

1 SEN. LEE: Aye.

2 CLERK: Senator Lee, aye. Senator Lowe.

3 SEN. LOWE: No.

4 CLERK: Senator Lowe, no. Senator

5 Newton?

6 SEN. NEWTON: Aye.

7 CLERK: Senator Newton, aye. Senator

8 Rabon? Senator Smith-Ingram?

9 SEN. SMITH-INGRAM: No.

10 CLERK: Senator Smith-Ingram, no.

11 Senator Van Duyn?

12 SEN. VAN DUYN: No.

13 CLERK: Senator Van Duyn, no. Senator

14 Wade?

15 SEN. WADE: Aye.

16 CLERK: Senator Wade, aye. Senator Hi se?

17 SEN. HI SE: Aye.

18 CLERK: Senator Hi se, aye.

19 SEN. HI SE: Committee Clerk, call the
20 members of the House.

21 CLERK: Representative Jackson?

22 REP. JACKSON: No.

23 CLERK: Representative Jackson, no.

24 Representative Szoka?

25 REP. SZOKA: Aye.

1 CLERK: Representative Szoka, aye.

2 Representative Stevens?

3 REP. STEVENS: Aye.

4 CLERK: Representative Stevens, aye.

5 Representative Bell?

6 REP. BELL: Aye.

7 CLERK: Representative Bell, aye.

8 Representative Brawley?

9 REP. BRAWLEY: Aye.

10 CLERK: Representative Brawley, aye.

11 Representative Brockman?

12 REP. BROCKMAN: No.

13 CLERK: Representative Brockman, no.

14 Representative Burr?

15 REP. BURR: Aye.

16 CLERK: Representative Burr, aye.

17 Representative Davis? Representative Davis?

18 Representative Dixon?

19 REP. DIXON: Aye.

20 CLERK: Representative Dixon, aye.

21 Representative Dobson?

22 REP. DOBSON: Aye.

23 CLERK: Representative Dobson, aye.

24 Representative Dulin?

25 REP. DULIN: Aye.

1 CLERK: Representative Dulin, aye.

2 Representative Farmer-Butterfield?

3 REP. FARMER-BUTTERFIELD: No.

4 CLERK: Representative

5 Farmer-Butterfield, no. Representative Floyd?

6 Representative Floyd? Representative Garrison?

7 REP. GARRISON: No.

8 CLERK: Representative Garrison, no.

9 Representative Gill?

10 REP. GILL: No.

11 CLERK: Representative Gill, no.

12 Representative Grange?

13 REP. GRANGE: Aye.

14 CLERK: Representative Grange, aye.

15 Representative Hall?

16 REP. HALL: Aye.

17 CLERK: Representative Hall, aye.

18 Representative Hanes?

19 REP. HANES: No.

20 CLERK: Representative Hanes, no.

21 Representative Hardister?

22 REP. HARDISTER: Aye.

23 CLERK: Representative Hardister, aye.

24 Representative Harrison?

25 REP. HARRISON: No.

1 CLERK: Representative Harrison, no.
2 Representative Hastings?
3 REP. HASTINGS: Aye.
4 CLERK: Representative Hastings, aye.
5 Representative Howard?
6 REP. HOWARD: Aye.
7 CLERK: Representative Howard, aye.
8 Representative Hunter?
9 REP. HUNTER: No.
10 CLERK: Representative Hunter, no.
11 Representative Hurlley?
12 REP. HURLEY: Aye.
13 CLERK: Representative Hurlley, aye.
14 Representative Johnson?
15 REP. JOHNSON: Aye.
16 CLERK: Representative Johnson, aye.
17 Representative Jones? Representative Jones?
18 Representative Jordan?
19 REP. JORDAN: Aye.
20 CLERK: Representative Jordan, aye.
21 Representative Malone?
22 REP. MALONE: Aye.
23 CLERK: Representative Malone, aye.
24 Representative Michaux?
25 REP. MI CHAUX: No.

1 CLERK: Representative Michaux, no.
2 Representative Moore? Representative Moore?
3 Representative Pierce?

4 REP. PIERCE: No.

5 CLERK: Representative Pierce, no.
6 Representative Reives?

7 REP. REIVES: No.

8 CLERK: Representative Reives, no.
9 Representative Willingham?

10 REP. WILLINGHAM: No.

11 CLERK: Representative Reives, no.
12 Representative Speciale?

13 REP. SPECIALE: Aye.

14 CLERK: Representative Speciale, aye.
15 Representative Rogers?

16 REP. ROGERS: Aye.

17 CLERK: Representative Rogers, aye.
18 Representative Saine?

19 REP. SAINE: Aye.

20 CLERK: Representative Saine, aye.
21 Representative Wray?

22 REP. WRAY: No.

23 CLERK: Representative Wray, no.

24 Representative Yarborough?

25 REP. YARBOROUGH: Aye.

1 CLERK: Representative Yarborough, aye.

2 Representative Torbett?

3 REP. TORBETT: Aye.

4 CLERK: Representative Torbett, aye.

5 Representative Lewis?

6 REP. LEWIS: Aye.

7 CLERK: Representative Lewis, aye.

8 Representative Dollar?

9 REP. DOLLAR: Aye.

10 CLERK: Representative Dollar, aye.

11 SEN. HISE: By a vote of 8 in favor, 4
12 against and 24 in -- in the Senate and 24 in favor
13 and 13 against in the House, Criteria Number 9, No
14 Consideration of Racial Data is adopted by the
15 Committee.

16 Members, this exhausts the
17 recommendations of criteria put forward by the
18 Chairmen in this process. We'll now open up if
19 members of the Committee have a specific criteria
20 they would like to introduce. Senator Clark?

21 SEN. CLARK: Thank you, Mr. Chairman.
22 I'd like to send forth an amendment for
23 consideration.

24 SEN. HISE: Suspend while the members
25 of -- while it's passed out.

1 (Proceedings went off the record.)

2 SEN. HISE: Do all members of the
3 Committee have a copy? If we do, I recognize
4 Senator Clark.

5 SEN. CLARK: Thank you, Mr. Chairman.
6 Representative Lewis, when we were doing the
7 redistricting for the congressional seats in
8 2016 --

9 SEN. HISE: Yeah, let me --

10 UNIDENTIFIED MEMBER: Mr. Chairman, I
11 don't -- I don't think I have that. I have --

12 SEN. HISE: I believe I have Committee
13 members who did not receive --

14 UNIDENTIFIED MEMBER: What does it say?
15 Is --

16 SEN. CLARK: Title is Partisan Advantage.

17 SEN. HISE: A -- Senator Clark called
18 number 10, Partisan Advantage.

19 SEN. CLARK: Okay. When we were doing
20 the 2016 congressional redistricting process, it
21 was stated by Mr. Lewis here that one of the
22 express purposes was to maintain the partisan
23 advantage. I guess you could say this is a
24 renouncement criteria, if you will. And it states
25 that maintaining or establishing a partisan

1 advantage for any party shall not, emphasize not,
2 be a criterion for the construction or approval of
3 House and Senate district plans.

4 SEN. HISE: We'll start with
5 Representative Lewis, then I'll get back.

6 REP. LEWIS: Thank you, Mr. Chairman.
7 Mr. Chairman, I would say that the nine criteria
8 that have been extensively debated by the Committee
9 are the committee -- are the criteria that the
10 Chairs recommend. And I would not advocate for
11 passage of this tenth one.

12 SEN. HISE: Representative Speciale.

13 REP. SPECIALE: Isn't this what we
14 essentially already discussed and already decided
15 not to approve? I mean --

16 SEN. HISE: It is [inaudible] that this
17 is a substantial difference, but it is a similar
18 topic. So any other questions or comments?
19 Senator Van Duyn?

20 SEN. VAN DUYN: I'd just like to be on
21 record in saying I think this is the most important
22 criteria, given what we heard in public comment.

23 SEN. HISE: Any other questions or
24 comments? Hearing none, Senator Clark has moved
25 for the adoption of the criteria listed as Number

1 10, Partisan Advantage. The -- I believe we were
2 at the House. Clerk of the House Committee will
3 call the roll.

4 CLERK: Representative Jackson?

5 REP. JACKSON: Yes.

6 CLERK: Representative Jackson, yes.
7 Representative Szoka?

8 REP. SZOKA: No.

9 CLERK: Representative Szoka, no.
10 Representative Stevens?

11 REP. STEVENS: No.

12 CLERK: Representative Stevens, no.
13 Representative Bell?

14 REP. BELL: No.

15 CLERK: Representative Bell, no.

16 Representative Brawley?

17 REP. BRAWLEY: No.

18 CLERK: Representative Brawley, no.

19 Representative Brockman?

20 REP. BROCKMAN: Yes.

21 CLERK: Representative Brockman, yes.

22 Representative Burr?

23 REP. BURR: No.

24 CLERK: Representative Burr, no.

25 Representative Davis? Representative Davis?

1 Representative Davis? Representative Dixon?

2 REP. DIXON: No.

3 CLERK: Representative Dixon, no.

4 Representative Dobson?

5 REP. DOBSON: Representative Dobson, no.

6 Representative Dulin?

7 REP. DULIN: No.

8 CLERK: Representative Dulin, no.

9 Representative Farmer-Butterfield? Representative
10 Farmer-Butterfield, yes. Representative Floyd?

11 Representative Floyd? Representative Garrison?

12 REP. GARRISON: Yes.

13 CLERK: Representative Garrison, yes.

14 Representative Gill?

15 REP. GILL: Yes.

16 CLERK: Representative Gill, yes.

17 Representative Grange?

18 REP. GRANGE: No.

19 CLERK: Representative Grange, no.

20 Representative Hall?

21 REP. HALL: No.

22 CLERK: Representative Hall, no.

23 Representative Hanes?

24 REP. HANES: Yes.

25 CLERK: Representative Hanes, yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Representative Hardister?

REP. HARDISTER: No.

CLERK: Representative Hardister, no.

Representative Harrison?

REP. HARRISON: Yes.

CLERK: Representative Harrison, yes.

Representative Hastings?

REP. HASTINGS: No.

CLERK: Representative Hastings, no.

Representative Howard?

REP. HOWARD: No.

CLERK: Representative Howard, no.

Representative Hunter?

REP. HUNTER: Yes.

CLERK: Representative Hunter, yes.

Representative Hurlley? Representative Hurlley, no.

Representative Johnson?

REP. JOHNSON: No.

CLERK: Representative Johnson, no.

Representative Jones? Representative Jones?

Representative Jordan?

REP. JORDAN: No.

CLERK: Representative Jordan, no.

Representative Malone?

REP. MALONE: No.

1 CLERK: Representative Malone, no.

2 Representative Michaux?

3 REP. MICHAUX: Yes.

4 CLERK: Representative Michaux, yes.

5 Representative Moore? Representative Moore?

6 Representative Pierce?

7 REP. PIERCE: Yes.

8 CLERK: Representative Pierce, yes.

9 Representative Reives?

10 REP. REIVES: Yes.

11 CLERK: Representative Reives, yes.

12 Representative Willingham? Representative

13 Willingham? Representative Willingham?

14 Representative Speciale?

15 REP. SPECIALE: No.

16 CLERK: Representative Speciale, no.

17 Representative Rogers?

18 REP. ROGERS: No.

19 CLERK: Representative Rogers, no.

20 Representative Saine?

21 REP. SAINÉ: No.

22 CLERK: Representative Saine, no.

23 Representative Wray?

24 REP. WRAY: Aye.

25 CLERK: Representative Wray, yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Representative Yarborough?

REP. YARBOROUGH: No.

CLERK: Representative Yarborough, no.

Representative Torbett?

REP. TORBETT: No.

CLERK: Representative Torbett, no.

Representative Lewis?

REP. LEWIS: No.

CLERK: Representative Lewis, no.

Representative Dollar?

REP. DOLLAR: No.

CLERK: Representative Dollar, no.

SEN. HISE: Committee Clerk for the

Senate will call the roll of the Senate members.

CLERK: Senator Bishop?

SEN. BISHOP: No.

CLERK: Senator Bishop, no. Senator

Blue? Senator Brown?

SEN. BROWN: No.

CLERK: Senator Brown, no. Senator

Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator

Daniel? Senator Harrington?

SEN. HARRINGTON: No.

1 CLERK: Senator Harrington, no. Senator
2 Jackson?
3 SEN. JACKSON: No.
4 CLERK: Senator Jackson, no. Senator
5 Lee?
6 SEN. LEE: No.
7 CLERK: Senator Lee, no. Senator Lowe?
8 SEN. LOWE: Yes.
9 CLERK: Senator Lowe, yes. Senator
10 Newton?
11 SEN. NEWTON: No.
12 CLERK: Senator Newton, no. Senator
13 Rabon? Senator Smith-Ingram?
14 SEN. SMITH-INGRAM: Aye.
15 CLERK: Senator Smith-Ingram, aye.
16 Senator Van Duyn?
17 SEN. VAN DUYN: Aye.
18 CLERK: Senator Van Duyn, aye. Senator
19 Wade?
20 SEN. WADE: No.
21 CLERK: Senator Wade, no. Senator Hi se?
22 SEN. HI SE: No.
23 CLERK: Senator Hi se, no.
24 SEN. HI SE: By a vote of 13 in favor, 24
25 opposed in the House, and a vote of 4 in favor, 8

1 opposed in the Senate, the proposed criteria fails.
2 Any other criteria? Senator Smith-Ingram?

3 SEN. SMITH-INGRAM: Yes, Mr. Chairman. I
4 wish to send forward an additional criterion.

5 SEN. HISE: Okay. This is criteria
6 titled, Total Black Voting Age Population.

7 SEN. SMITH-INGRAM: Yes, it is, thank
8 you, Mr. Chair.

9 SEN. HISE: Sergeant-at-Arms will
10 disperse. And make sure we get that second row
11 back there, Representative Jordan.

12 (Proceedings went off the record.)

13 SEN. HISE: Members, before moving into
14 that, I will say we've actually had some comments
15 from those listening online that it is, at times,
16 hard to hear members. So we'll ask you to please
17 speak directly into your microphones. I also have
18 been somewhat remiss in reminding members to please
19 identify yourself and your district when speaking.
20 That would have helped the court reporter if I'd
21 have said that a lot earlier in this process. But
22 I can correct it now. And hopefully we'll be able
23 to deal with those issues.

24 If everyone has a copy now of the
25 proposed criteria which, for record-keeping

1 purposes right now, I'll identify as 10-A, Total
2 Black Voting Age Population. Senator Smith-Ingram
3 will be recognized to explain.

4 SEN. SMITH-INGRAM: Thank you, Mr. Chair.
5 The proposed criteria sets forth the explanation
6 and the reason why we're here today. In the
7 Covington case, the U.S. Supreme Court deemed that
8 the 28 districts that were found unconstitutional
9 were packed with African-Americans. So in order to
10 obviate that and reduce the cost, because we're now
11 at \$5.4 million that the North Carolina General
12 Assembly has spent in redistricting, that to add
13 this portion to the criteria would prevent us
14 having to come back here again for the same reason
15 at an additional cost to our taxpayers.

16 So in order to promote fiduciary
17 responsibility and commitment, the 28 districts
18 that were deemed unconstitutional shall not have a
19 total black voting age population higher than that
20 which existed in those enacted legislative
21 districts, in effect, in 2010, except for when it
22 is naturally occurring, which may be the case in
23 some of our demographic areas across the state.

24 SEN. HISE: Senator Smith-Ingram, just
25 let me ask a question for clarification before we

1 begin. When you read your amendment, you said the
2 Covington case shall not have a total black
3 population. As I have the amendment in front of me
4 and signed, it says shall have.

5 SEN. SMITH-INGRAM: It should be shall
6 not. I'm sorry. So it goes with none. It starts
7 out with none, and then there's shall.

8 SEN. HISE: Okay. I was just confused,
9 because it was written -- read different than what
10 I have. So it should be that none of the nine
11 districts shall have a voting age population higher
12 than that which existed in those enacted districts
13 that were, in effect, in 2010.

14 SEN. SMITH-INGRAM: Yes. For
15 clarification, Mr. Chair, it's none of the nine
16 Senate and 19 House districts deemed as
17 unconstitutional. So it's the 28 districts that
18 were deemed unconstitutional. Okay.
19 Representative Lewis?

20 REP. LEWIS: Thank you, Mr. Chairman. I
21 want to speak briefly to the comment that was made.
22 I understand that through the use of Twitter, the
23 NC Senate Democrats have been tweeting out a
24 graphic entitled NC General Assembly Redistricting
25 Litigation Costs. I want to point out that that's

1 in error. It's inaccurate. And certainly the
2 tweet should stop and the figure that was quoted is
3 wrong.

4 I also would point out, regarding
5 Amendment 10A, that we have established that we
6 will not use race in the drawing of these lines.
7 This amendment, 10A, would, in effect, establish a
8 mechanical criteria for the drawing of districts
9 that uses race. It's in conflict with criteria
10 that says we will not use race. I would urge
11 members to vote it down.

12 SEN. HISE: Senator Clark.

13 SEN. CLARK: Thank you, Mr. Chair.

14 Senator Clark, Senate District 21. The court order
15 which essentially brought us back here said that we
16 should justify any black voter age population in
17 excess of 50 percent. How are we going to know
18 whether or not we met that requirement by not
19 exceeding 50 percent?

20 SEN. HISE: Representative Dollar.

21 REP. DOLLAR: Thank you, Mr. Chair.

22 Members of the Committee, based on the comments
23 Senator Smith-Ingram mentioned, I would just read
24 to you verbatim, Page 3, Footnote 1 of the
25 Covington decision as written by the Court, states

1 as follows, "In reaching this conclusion, we make
2 no finding that the General Assembly acted in bad
3 faith or with the discriminatory intent in drawing
4 the challenged districts which were precleared by
5 the Justice Department pursuant to Section 5 of the
6 VRA, nor do we consider the challenged districts
7 involved any impermissible packing of minority
8 voters. As plaintiffs acknowledged, they bring no
9 such claim."

10 SEN. HISE: Any other questions or
11 comments? Senator Clark?

12 SEN. CLARK: I don't think I -- excuse
13 me. Senator Clark, Senate District 21. I don't
14 think I've had my question answered. In the
15 three-judge panel, they indicated that we should
16 have no districts with a black-voting-age --
17 black-voting-age population in excess of 50
18 percent. How do we make sure we achieve that
19 objective?

20 SEN. HISE: I assumed the question was
21 rhetorical. But I think the response given is that
22 was not what they said. Representative Michaux.

23 REP. MICHAUX: He should've little bit
24 further into that footnote -- in the footnote.

25 SEN. HISE: Recognized for a comment.

1 REP. MICHAUX: Yes, I'm sorry.
2 Representative Michaux. The footnote of the
3 comment Representative Dollar made, it said -- it
4 certainly said that. But it also says, nor do we
5 consider whether the challenged districts --
6 whether the challenged districts involved any
7 impermissible packing. They didn't rule out any
8 impermissible packing. It just says they didn't
9 consider it in this decision. And that was not
10 a -- that was a footnote in the decision. And --

11 SEN. HISE: Representative Dollar.

12 REP. DOLLAR: That's not what the
13 footnote reads here. And I would also point out to
14 the gentleman that what is -- is noted here, in the
15 record, is as plaintiffs acknowledge, they bring no
16 such claim. No such claim was brought in the case
17 to start with.

18 SEN. HISE: Senator Brown.

19 SEN. BROWN: Thank you, Mr. Chairman.
20 Harry Brown, District 6. Senator Smith-Ingram's
21 provision, or criteria, mentions that it's the nine
22 Senate districts and 19 House districts. But those
23 districts, in the new maps, no longer exist. So I
24 don't know how they are relevant in this particular
25 case. Because the new maps, those districts are no

1 longer relevant any longer.

2 SEN. HISE: Any other questions,
3 comments?

4 SEN. SMITH-INGRAM: Mr. Chair,
5 clarification.

6 SEN. HISE: Yeah.

7 SEN. SMITH-INGRAM: I am not aware that
8 there are any maps. Are there maps that Senator
9 Brown that we don't? Because how can you draw maps
10 without the criteria being voted on?

11 SEN. BROWN: I'll follow. I should have
12 been more specific. With the new county groupings,
13 that is impossible.

14 SEN. HISE: And I'm assuming we can get a
15 copy of the 2010 map, as well the 2011 maps, if the
16 Senator needs those. Senator Smith-Ingram has
17 moved for the adoption of the criteria that I am
18 labeling as 10A for here, Total Black Voting Age
19 Population. Seeing no other comments or questions,
20 we will begin with a roll call of the Senate.

21 CLERK: Senator Bishop?

22 SEN. BISHOP: No.

23 CLERK: Senator Bishop, no. Senator
24 Blue? Senator Brown?

25 SEN. BROWN: No.

1 CLERK: Senator Brown, no. Senator
2 Clark?
3 SEN. CLARK: Aye.
4 CLERK: Senator Clark, aye. Senator
5 Daniel? Senator Harrington?
6 SEN. HARRINGTON: No.
7 CLERK: Senator Harrington, no. Senator
8 Jackson?
9 SEN. JACKSON: No.
10 CLERK: Senator Jackson, no. Senator
11 Lee? Senator Lee, no. Senator Lowe?
12 SEN. LOWE: Yes.
13 CLERK: Senator Lowe, yes. Senator
14 Newton? Senator Newton, no. Senator Rabon?
15 Senator Smith-Ingram?
16 SEN. SMITH-INGRAM: Yes.
17 CLERK: Senator Smith-Ingram, yes.
18 Senator Van Duyn?
19 SEN. VAN DUYN: Yes.
20 CLERK: Senator Van Duyn, yes. Senator
21 Wade?
22 SEN. WADE: No.
23 CLERK: Senator Wade, no. Senator Hi se?
24 SEN. HI SE: No.
25 CLERK: Senator Hi se, no.

1 SEN. HISE: Committee Clerk will call the
2 members of the House.

3 CLERK: Representative Jackson?

4 REP. JACKSON: Yes.

5 CLERK: Representative Jackson, yes.

6 Representative Szoka?

7 REP. SZOKA: No.

8 CLERK: Representative Szoka, no.

9 Representative Stevens?

10 REP. STEVENS: No.

11 CLERK: Representative Stevens, no.

12 Representative Bell?

13 REP. BELL: No.

14 CLERK: Representative Bell, no.

15 Representative Brawley?

16 REP. BRAWLEY: No.

17 CLERK: Representative Brawley, no.

18 Representative Brockman?

19 REP. BROCKMAN: Yes.

20 CLERK: Representative Brockman, yes.

21 Representative Burr?

22 REP. BURR: No.

23 CLERK: Representative Burr, no.

24 Representative Davis? Representative Dixon?

25 REP. DIXON: No.

1 CLERK: Representati ve Di xon, no.
2 Representati ve Dobson?
3 REP. DI XON: No.
4 CLERK: Representati ve Dobson, no.
5 Representati ve Dul in?
6 REP. DOBSON: No.
7 CLERK: Representati ve Dul in, no.
8 Representati ve Farmer-Butterfi el d? Representati ve
9 Farmer-Butterfi el d, yes. Representati ve Fl oyd?
10 Representati ve Garri son?
11 REP. DULIN: Yes.
12 CLERK: Representati ve Garri son, yes.
13 Representati ve Gi ll ?
14 REP. GILL: Yes.
15 CLERK: Representati ve Gi ll , yes.
16 Representati ve Grange?
17 REP. GRANGE: No.
18 CLERK: Representati ve Grange, no.
19 Representati ve Hal l ?
20 REP. HALL: No.
21 CLERK: Representati ve Hal l , no.
22 Representati ve Hanes?
23 REP. HANES: Yes.
24 CLERK: Representati ve Hanes, yes.
25 Representati ve Hardi ster?

1 REP. HARDISTER: No.
2 CLERK: Representative Hardister, no.
3 Representative Harrison?
4 REP. HARRISON: Yes.
5 CLERK: Representative Harrison, yes.
6 Representative Hastings?
7 REP. HASTINGS: No.
8 CLERK: Representative Hastings, no.
9 Representative Howard?
10 REP. HOWARD: No.
11 CLERK: Representative Howard, no.
12 Representative Hunter?
13 REP. HUNTER: Yes.
14 CLERK: Representative Hunter, yes.
15 Representative Hurley?
16 REP. HURLEY: No.
17 CLERK: Representative Hurley, no.
18 Representative Johnson?
19 REP. JOHNSON: No.
20 CLERK: Representative Johnson, no.
21 Representative Jones? Representative Jordan?
22 Representative Jordan, no. Representative Malone?
23 REP. MALONE: No.
24 CLERK: Representative Malone, no.
25 Representative Michaux?

1 REP. MI CHAUX: Aye.
2 CLERK: Representati ve Mi chaux, aye.
3 Representati ve Moore? Representati ve Pi erce?
4 REP. PI ERCE: Aye.
5 CLERK: Representati ve Pi erce, aye.
6 Representati ve Rei ves?
7 REP. REI VES: Aye.
8 CLERK: Representati ve Rei ves, aye.
9 Representati ve Wi l l i n g h a m ?
10 REP. WI L L I N G H A M : Aye.
11 CLERK: Representati ve Wi l l i n g h a m , aye.
12 Representati ve Speci al e?
13 REP. SPECI ALE: No.
14 CLERK: Representati ve Speci al e, no.
15 Representati ve Rogers?
16 REP. ROGERS: No.
17 CLERK: Representati ve Rogers, no.
18 Representati ve Sai ne?
19 REP. SAI NE: No.
20 CLERK: Representati ve Sai ne, no.
21 Representati ve Wray?
22 REP. WRAY: Aye.
23 CLERK: Representati ve Wray, aye.
24 Representati ve Yarborough?
25 REP. YARBOROUGH: No.

1 CLERK: Representative Yarborough, no.

2 Representative Torbett?

3 REP. TORBETT: No.

4 CLERK: Representative Torbett, no.

5 Representative Lewis?

6 REP. LEWIS: No.

7 CLERK: Representative Lewis, no.

8 Representative Dollar?

9 REP. DOLLAR: No.

10 CLERK: Representative Dollar, no.

11 SEN. HISE: By a vote of 4 in favor, 8
12 opposed in the Senate, and a vote of 13 in favor,
13 24 opposed in the House, the proposed criteria
14 fails. Members, I have no other proposed criteria
15 in front of --

16 SEN. SMITH-INGRAM: Mr. Chair?

17 SEN. HISE: Yes?

18 SEN. SMITH-INGRAM: Just to clarify the
19 record, thank you, I would like to make a
20 statement. I was in error. I was off by \$600,000.
21 It is not 5.4 million that has been spent. Since
22 2011, it's actually 4.8 million. But to our
23 hard-working North Carolinians who send us here for
24 good governance, that's still a heck of a lot of
25 money.

1 SEN. HISE: Any other business to come
2 before the Committee? Representative Jackson.

3 REP. JACKSON: I handed out some criteria
4 as well, Mr. Chairman. That has been -- it has
5 been handed out to all the members.

6 SEN. HISE: Okay.

7 (Proceedings went off the record.)

8 REP. JACKSON: It did, Mr. Chairman. And
9 I understand that some of these may have been
10 considered in part of the other ones. And I'd be
11 happy to take the time to divide these up into six
12 individual things and then have the Chair rule and
13 appeal. But it just seems like, to me, it might be
14 more time efficient if we just voted on these six
15 together. And so I'd move adoption without further
16 comment.

17 SEN. HISE: Okay. We have adoption
18 request without comment. I will give the
19 opportunity. Seeing none, we will begin the
20 process of adopting the six criteria listed here.
21 We will begin with a those in favor vote. Those
22 opposed to adoption vote no. We will begin with a
23 roll call of the House. Committee Clerk, call the
24 roll.

25 CLERK: Representative Jackson?

1 REP. JACKSON: Yes.

2 CLERK: Representative Jackson, yes.

3 Representative Szoka?

4 REP. SZOKA: No.

5 CLERK: Representative Szoka, no.

6 Representative Stevens?

7 REP. STEVENS: No.

8 CLERK: Representative Stevens, no.

9 Representative Bell?

10 REP. HALL: No.

11 CLERK: Representative Bell, no.

12 Representative Brawley?

13 REP. BRAWLEY: No.

14 CLERK: Representative Brawley, no.

15 Representative Brockman?

16 REP. BROCKMAN: Yes.

17 CLERK: Representative Brockman, yes.

18 Representative Burr?

19 REP. BURR: No.

20 CLERK: Representative Davis?

21 Representative Dixon?

22 REP. DIXON: No.

23 CLERK: Representative Dixon, no.

24 Representative Dobson?

25 REP. DOBSON: No.

1 CLERK: Representative Dobson, no.
2 Representative Dulin?
3 REP. DULIN: No.
4 CLERK: Representative Dulin, no.
5 Representative Farmer-Butterfield?
6 REP. FARMER-BUTTERFIELD: Aye.
7 CLERK: Representative
8 Farmer-Butterfield, yes. Representative Floyd?
9 Representative Garrison?
10 REP. GARRISON: Yes.
11 CLERK: Representative Garrison, yes.
12 Representative Gill? Representative Gill, yes.
13 Representative Grange?
14 REP. GRANGE: No.
15 CLERK: Representative Grange, no.
16 Representative Hall?
17 REP. HALL: No.
18 CLERK: Representative Hall, no.
19 Representative Hanes?
20 REP. HANES: Yes.
21 CLERK: Representative Hanes, yes.
22 Representative Hardister?
23 REP. HARDISTER: No.
24 CLERK: Representative Hardister, no.
25 Representative Harrison?

1 REP. HARRISON: Aye.

2 CLERK: Representative Harrison, yes.

3 Representative Hastings?

4 REP. HASTINGS: No.

5 CLERK: Representative Hastings, no.

6 Representative Howard? Representative Howard, no.

7 Representative Hunter? Representative Hunter, yes.

8 Representative Hurlley? Representative Hurlley, no.

9 Representative Johnson? Representative Johnson,

10 no. Representative Jones? Representative Jordan?

11 Representative Jordan, no. Representative Malone?

12 REP. MALONE: No.

13 CLERK: Representative Malone, no.

14 Representative Michaux.

15 REP. MICHAUX: Yes.

16 CLERK: Representative Michaux, yes.

17 Representative Moore? Representative Pierce?

18 REP. PIERCE: Yes.

19 CLERK: Representative Pierce, yes.

20 Representative Reives?

21 REP. REIVES: Yes.

22 CLERK: Representative Reives, yes.

23 Representative Willingham?

24 REP. WILLINGHAM: Yes.

25 CLERK: Representative Willingham, yes.

1 Representati ve Speci al e?

2 REP. SPECI ALE: No.

3 CLERK: Representati ve Speci al e, no.

4 Representati ve Rogers?

5 REP. ROGERS: No.

6 CLERK: Representati ve Rogers, no.

7 Representati ve Sai ne?

8 REP. SAI NE: No.

9 CLERK: Representati ve Sai ne, no.

10 Representati ve Wray?

11 REP. WRAY: Aye.

12 CLERK: Representati ve Wray, yes.

13 Representati ve Yarborough?

14 REP. YARBOROUGH: No.

15 CLERK: Representati ve Yarborough, no.

16 Representati ve Torbett?

17 REP. TORBETT: No.

18 CLERK: Representati ve Torbett, no.

19 Representati ve Lewi s?

20 REP. LEWI S: No.

21 CLERK: Representati ve Lewi s, no.

22 Representati ve Doll ar?

23 REP. DOLLAR: No.

24 CLERK: Representati ve Doll ar, no.

25 SEN. HI SE: Commi ttee Clerk, call the

1 roll of the Senate members.

2 CLERK: Senator Bishop?

3 SEN. BISHOP: No.

4 CLERK: Senator Bishop, no. Senator
5 Blue? Senator Brown?

6 SEN. BROWN: No.

7 CLERK: Senator Brown, no. Senator
8 Clark?

9 SEN. CLARK: Aye.

10 CLERK: Senator Clark, aye. Senator
11 Daniel? Senator Harrington?

12 SEN. HARRINGTON: No.

13 CLERK: Senator Harrington, no. Senator
14 Jackson?

15 SEN. JACKSON: No.

16 CLERK: Senator Jackson, no. Senator
17 Lee? Senator Lee, no. Senator Lowe?

18 SEN. LEE: Yes.

19 CLERK: Senator Lowe, yes. Senator
20 Newton? Senator Newton, no. Senator Rabon?

21 Senator Smith-Ingram?

22 SEN. SMITH-INGRAM: Aye.

23 CLERK: Senator Smith-Ingram, aye.
24 Senator Van Duyn?

25 SEN. VAN DUYN: Aye.

1 CLERK: Senator Van Duyn, aye. Senator
2 Wade?

3 SEN. WADE: No.

4 CLERK: Senator Wade, no. Senator Hi se?

5 SEN. HI SE: No.

6 CLERK: Senator Hi se, no.

7 SEN. HI SE: By a vote of 13 in favor, 24
8 opposed in the House, 4 in favor, 8 opposed in the
9 Senate, the six proposed criteria are rejected by
10 the Committee. Senator Clark?

11 SEN. CLARK: Thank you. Senator Clark,
12 Senate District 21. I just wanted to make one
13 comment before we depart here. I did submit to the
14 Committee a list of about 14 criteria. I'm not
15 asking that we go over those one by one. Most of
16 them have been covered during the course of this
17 debate. I just wanted to let it know -- be known
18 for the record that they have been submitted.

19 SEN. HI SE: Those are clearly part of the
20 record so -- any other matters to come before the
21 Committee? I will announce, then, for members
22 that -- first, just to recap, the Committee adopted
23 nine criteria for redistricting. Those will be
24 compiled, and we will put that list available on
25 the website. And that will be given to the drawer

1 of the map to make sure those designs for the
2 Committee follow these criteria.

3 (Proceedings went off the record.)

4 SEN. HISE: Members of the press, just to
5 let you know, if you're doing interviews, they will
6 be up here, where we will have the Court Reporter
7 available for that process. Thanks for coming in.
8 Representative Torbett.

9 REP. TORBETT: Is there any information
10 or intelligence you can give us on further activity
11 of this Committee at this time?

12 SEN. HISE: We were talking about that we
13 will obviously in session on the 18th. We
14 anticipate the meetings to be on the 21st, 22nd,
15 23rd time frame that's coming in. So members have
16 that, but I would also say keep watch on the
17 website, as well as your e-mails. There may be
18 things released from the Committee in that interim.
19 Seeing no other items come before the Committee,
20 having exhausted our business, this Committee will
21 stand adjourned.

22 (End of proceedings.)

23

24

25

STATE OF NORTH CAROLINA

COUNTY OF GRANVILLE

CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of proceedings held on August 10, 2017, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action.

This 26th day of August, 2017.

Rabbee W. Wesley